



Rep. C.D. Davidsmeyer

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1 AMENDMENT TO HOUSE BILL 3547

2 AMENDMENT NO. _____. Amend House Bill 3547 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Professional Limited Liability Company Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Professional limited liability company" means a limited
10 liability company that intends to provide, or does provide,
11 professional services that require the individuals engaged in
12 the profession to be licensed by the Department of Financial
13 and Professional Regulation.

14 Section 10. Application of the Limited Liability Company
15 Act. The Limited Liability Company Act, as now or hereafter

1 amended, shall be applicable to professional limited liability
2 companies, and they shall enjoy the powers and privileges and
3 be subject to the duties, restrictions, and liabilities of
4 other limited liability companies, except where inconsistent
5 with the letter and purpose of this Act. This Act shall take
6 precedence in the event of any conflict with the provisions of
7 the Limited Liability Company Act or other laws.

8 Section 15. Certificate of registration.

9 (a) No professional limited liability company may render
10 professional services that require the issuance of a license by
11 the Department, except through its managers, members, agents,
12 or employees who are duly licensed or otherwise legally
13 authorized to render such professional services within this
14 State. An individual's association with a professional limited
15 liability company as a manager, member, agent, or employee,
16 shall in no way modify or diminish the jurisdiction of the
17 Department that licensed, certified, or registered the
18 individual for a particular profession.

19 (b) A professional limited liability company shall not
20 open, operate, or maintain an establishment for any of the
21 purposes for which a limited liability company may be organized
22 without obtaining a certificate of registration from the
23 Department.

24 (c) Application for a certificate of registration shall be
25 made in writing and shall contain the name and primary mailing

1 address of the professional limited liability company, the name
2 and address of the company's registered agent, the address of
3 the practice location maintained by the company, each assumed
4 name being used by the company, and such other information as
5 may be required by the Department. All official correspondence
6 from the Department shall be mailed to the primary mailing
7 address of the company except that the company may elect to
8 have renewal and non-renewal notices sent to the registered
9 agent of the company. Upon receipt of such application, the
10 Department shall make an investigation of the professional
11 limited liability company. If this Act or any Act administered
12 by the Department requires the organizers, managers, and
13 members to each be licensed in the particular profession or
14 related professions related to the professional services
15 offered by the company, the Department shall determine that the
16 organizers, managers, and members are each licensed pursuant to
17 the laws of Illinois to engage in the particular profession or
18 related professions involved (except that an initial organizer
19 may be a licensed attorney) and that no disciplinary action is
20 pending before the Department against any of them before
21 issuing a certificate of registration. For all other companies
22 submitting an application, the Department shall determine if
23 any organizer, manager, or member claiming to hold a
24 professional license issued by the Department is currently so
25 licensed and that no disciplinary action is pending before the
26 Department against any of them before issuing a certificate of

1 registration. If it appears that the professional limited
2 liability company will be conducted in compliance with the law
3 and the rules and regulations of the Department, the Department
4 shall issue, upon payment of a registration fee of \$50, a
5 certificate of registration.

6 (d) A separate application shall be submitted for each
7 business location in Illinois. If the professional limited
8 liability company is using more than one fictitious or assumed
9 name and has an address different from that of the parent
10 company, a separate application shall be submitted for each
11 fictitious or assumed name.

12 (e) Upon written application of the holder, the Department
13 shall renew the certificate if it finds that the professional
14 limited liability company has complied with its regulations and
15 the provisions of this Act and the applicable licensing Act.
16 This fee for the renewal of a certificate of registration shall
17 be calculated at the rate of \$40 per year. The certificate of
18 registration shall be conspicuously posted upon the premises to
19 which it is applicable. A certificate of registration shall not
20 be assignable.

21 (f) The Department shall not issue or renew any certificate
22 of registration to a professional limited liability company
23 during the period of dissolution.

24 Section 20. Failure to obtain a certificate of
25 registration. Whenever the Department has reason to believe a

1 professional limited liability company has opened, operated,
2 or maintained an establishment without a certificate of
3 registration, the Department may issue a notice of violation to
4 the professional limited liability company. The notice of
5 violation shall provide a period of 30 days after the date of
6 the notice to either file an answer to the satisfaction of the
7 Department or submit an application for a certificate of
8 registration in compliance with this Act. If the professional
9 limited liability company submits an application for a
10 certificate of registration, it must pay the \$50 application
11 fee and a late fee of \$100 for each year that the professional
12 limited liability company opened, operated, or maintained an
13 establishment without a certificate of registration for the
14 purpose of providing any professional service that requires the
15 individuals engaged in the profession to be licensed by the
16 Department, with a maximum late fee of \$500. If the
17 professional limited liability company that is the subject of
18 the notice of violation fails to respond, fails to respond to
19 the satisfaction of the Department, or fails to submit an
20 application for registration, the Department may institute
21 disciplinary proceedings against the professional limited
22 liability company and may impose a civil penalty up to \$1,000
23 for violation of this Act after affording the professional
24 limited liability company a hearing in conformance with the
25 requirements of this Act.

1 Section 25. Suspension, revocation or discipline of
2 certificate of registration.

3 (a) The Department may suspend, revoke, or otherwise
4 discipline the certificate of registration of a professional
5 limited liability company for any of the following reasons:

6 (1) the revocation or suspension of the license to
7 practice the profession of any officer, manager, member,
8 agent, or employee not promptly removed or discharged by
9 the professional limited liability company;

10 (2) unethical professional conduct on the part of any
11 officer, manager, member, agent, or employee not promptly
12 removed or discharged by the professional limited
13 liability company;

14 (3) the death of the last remaining member;

15 (4) upon finding that the holder of the certificate has
16 failed to comply with the provisions of this Act or the
17 regulations prescribed by the Department; or

18 (5) the failure to file a return, to pay the tax,
19 penalty, or interest shown in a filed return, or to pay any
20 final assessment of tax, penalty, or interest, as required
21 by a tax Act administered by the Illinois Department of
22 Revenue, until such time as the requirements of any such
23 tax Act are satisfied.

24 (b) Before any certificate of registration is suspended or
25 revoked, the holder shall be given written notice of the
26 proposed action and the reasons for the proposed action and

1 shall be provided a public hearing by the Department with the
2 right to produce testimony and other evidence concerning the
3 charges made. The notice shall also state the place and date of
4 the hearing, which shall be at least 10 days after service of
5 the notice.

6 (c) All orders of the Department denying an application for
7 a certificate of registration or suspending or revoking a
8 certificate of registration or imposing a civil penalty shall
9 be subject to judicial review pursuant to the Administrative
10 Review Law.

11 (d) The proceedings for judicial review shall be commenced
12 in the circuit court of the county in which the party applying
13 for review is located. If the party is not currently located in
14 Illinois, the venue shall be in Sangamon County. The Department
15 shall not be required to certify any record to the court or
16 file any answer in court or otherwise appear in any court in a
17 judicial review proceeding, unless and until the Department has
18 received from the plaintiff payment of the costs of furnishing
19 and certifying the record, which costs shall be determined by
20 the Department. Exhibits shall be certified without cost.
21 Failure on the part of the plaintiff to file a receipt in court
22 is grounds for dismissal of the action.

23 Section 30. Confidentiality.

24 (a) All information collected by the Department in the
25 course of an examination or investigation of a holder of a

1 certificate of registration or an applicant, including, but not
2 limited to, any complaint against a holder of a certificate of
3 registration filed with the Department and information
4 collected to investigate any such complaint, shall be
5 maintained for the confidential use of the Department and shall
6 not be disclosed.

7 (b) The Department may not disclose the information to
8 anyone other than law enforcement officials, other regulatory
9 agencies that have an appropriate regulatory interest as
10 determined by the Secretary of the Department, or a party
11 presenting a lawful subpoena to the Department. Information and
12 documents disclosed to a federal, State, county, or local law
13 enforcement agency shall not be disclosed by the agency for any
14 purpose to any other agency or person. A formal complaint filed
15 against a holder of a certificate of registration by the
16 Department or any order issued by the Department against a
17 holder of a certificate of registration or an applicant shall
18 be a public record, except as otherwise prohibited by law.

19 Section 35. Professional relationship and liability;
20 rights and obligations pertaining to communications.

21 (a) Nothing contained in this Act shall be interpreted to
22 abolish, repeal, modify, restrict, or limit the law in effect
23 in this State on the effective date of this Act that is
24 applicable to the professional relationship and liabilities
25 between the person furnishing the professional services and the

1 person receiving such professional services or the law that is
2 applicable to the standards for professional conduct. Any
3 manager, member, agent, or employee of a professional limited
4 liability company shall remain personally and fully liable and
5 accountable for any negligent or wrongful acts or misconduct
6 committed by him or her or by any person under his or her
7 direct supervision and control while rendering professional
8 services on behalf of the professional limited liability
9 company. However, a professional limited liability company
10 shall have no greater liability for the conduct of its agents
11 than any other limited liability company organized under the
12 Limited Liability Company Act. A professional limited
13 liability company shall be liable up to the full value of its
14 property for any negligence or wrongful acts or misconduct
15 committed by any of its managers, members, agents, or employees
16 while they are engaged in the rendering of professional
17 services on behalf of the professional limited liability
18 company.

19 (b) All rights and obligations pertaining to
20 communications made to or information received by any qualified
21 person or the advice he or she gives on such communications or
22 information, shall be extended to the professional limited
23 liability company of which he or she is a manager, member,
24 agent, or employee, and to the professional limited liability
25 company's managers, members, agents, and employees.

1 Section 40. Dissolution. A professional limited liability
2 company may, for the purposes of dissolution, have as its
3 managers and members individuals who are not licensed by the
4 Department to provide professional services notwithstanding
5 any provision of this Act or of any professional Act
6 administered by the Department, provided that the professional
7 limited liability company under these circumstances does not
8 render any professional services nor hold itself out as capable
9 or available to render any professional services during the
10 period of dissolution. A copy of the certificate of
11 dissolution, as issued by the Secretary of State, shall be
12 delivered to the Department within 30 days of its receipt by
13 the managers or members.

14 Section 45. Dishonored payments. Any professional limited
15 liability company that, on 2 occasions, issues or delivers a
16 check or other order to the Department that is not honored by
17 the financial institution upon which it is drawn because of
18 insufficient funds on the account, shall pay to the Department,
19 in addition to the amount owing upon such check or other order,
20 a fee of \$50. If such check or other order was issued or
21 delivered in payment of a renewal fee and the professional
22 limited liability company whose certificate of registration
23 has lapsed continues to practice as a professional limited
24 liability company without paying the renewal fee and the \$50
25 fee required under this Section, an additional fee of \$100

1 shall be imposed for practicing without a current certificate.
2 The Department shall notify the professional limited liability
3 company whose certificate of registration has lapsed within 30
4 days after the discovery by the Department that such
5 professional limited liability company is operating without a
6 current certificate of the fact that the professional limited
7 liability company is operating without a certificate and of the
8 amount due to the Department, which shall include the lapsed
9 renewal fee and all other fees required by this Section. If the
10 professional limited liability company whose certification has
11 lapsed seeks a current certificate more than 30 days after the
12 date it receives notification from the Department, it shall be
13 required to apply to the Department for reinstatement of the
14 certificate and to pay all fees due to the Department. The
15 Department may establish a fee for the processing of an
16 application for reinstatement of a certificate that allows the
17 Department to pay all costs and expenses related to the
18 processing of the application. The Secretary of the Department
19 may waive the fees due under this Section in individual cases
20 where he or she finds that in the particular case such fees
21 would be unreasonable or unnecessarily burdensome.

22 Section 50. Deposit of fees and fines. All fees, civil
23 penalties, and fines collected under this Act shall be
24 deposited into the General Professions Dedicated Fund.

1 Section 900. The Department of Professional Regulation Law
2 of the Civil Administrative Code of Illinois is amended by
3 changing Sections 2105-5, 2105-15, 2105-100, 2105-105,
4 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, 2105-200,
5 2105-205, 2105-300, 2105-325, and 2105-400 and adding Section
6 2105-117 as follows:

7 (20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

8 Sec. 2105-5. Definitions. ~~(a)~~ In this Law:

9 "Address of record" means the designated address recorded
10 by the Department in the applicant's application file or the
11 licensee's license file, as maintained by the Department's
12 licensure maintenance unit.

13 "Department" means the Division of Professional Regulation
14 of the Department of Financial and Professional Regulation. Any
15 reference in this Article to the "Department of Professional
16 Regulation" shall be deemed to mean the "Division of
17 Professional Regulation of the Department of Financial and
18 Professional Regulation".

19 "Director" means the Director of Professional Regulation.

20 ~~(b) In the construction of this Section and Sections~~
21 ~~2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120,~~
22 ~~2105-125, 2105-175, and 2105-325, the following definitions~~
23 ~~shall govern unless the context otherwise clearly indicates:~~

24 "Board" means the board of persons designated for a
25 profession, trade, or occupation under the provisions of any

1 Act now or hereafter in force whereby the jurisdiction of that
2 profession, trade, or occupation is devolved on the Department.

3 "Certificate" means a license, certificate of
4 registration, permit, or other authority purporting to be
5 issued or conferred by the Department by virtue or authority of
6 which the registrant has or claims the right to engage in a
7 profession, trade, occupation, or operation of which the
8 Department has jurisdiction.

9 "Registrant" means a person who holds or claims to hold a
10 certificate.

11 "Retiree" means a person who has been duly licensed,
12 registered, or certified in a profession regulated by the
13 Department and who chooses to relinquish or not renew his or
14 her license, registration, or certification.

15 (Source: P.A. 94-452, eff. 1-1-06.)

16 (20 ILCS 2105/2105-15)

17 Sec. 2105-15. General powers and duties.

18 (a) The Department has, subject to the provisions of the
19 Civil Administrative Code of Illinois, the following powers and
20 duties:

21 (1) To authorize examinations in English to ascertain
22 the qualifications and fitness of applicants to exercise
23 the profession, trade, or occupation for which the
24 examination is held.

25 (2) To prescribe rules and regulations for a fair and

1 wholly impartial method of examination of candidates to
2 exercise the respective professions, trades, or
3 occupations.

4 (3) To pass upon the qualifications of applicants for
5 licenses, certificates, and authorities, whether by
6 examination, by reciprocity, or by endorsement.

7 (4) To prescribe rules and regulations defining, for
8 the respective professions, trades, and occupations, what
9 shall constitute a school, college, or university, or
10 department of a university, or other institution,
11 reputable and in good standing, and to determine the
12 reputability and good standing of a school, college, or
13 university, or department of a university, or other
14 institution, reputable and in good standing, by reference
15 to a compliance with those rules and regulations; provided,
16 that no school, college, or university, or department of a
17 university, or other institution that refuses admittance
18 to applicants solely on account of race, color, creed, sex,
19 sexual orientation, or national origin shall be considered
20 reputable and in good standing.

21 (5) To conduct hearings on proceedings to revoke,
22 suspend, refuse to renew, place on probationary status, or
23 take other disciplinary action as authorized in any
24 licensing Act administered by the Department with regard to
25 licenses, certificates, or authorities of persons
26 exercising the respective professions, trades, or

1 occupations and to revoke, suspend, refuse to renew, place
2 on probationary status, or take other disciplinary action
3 as authorized in any licensing Act administered by the
4 Department with regard to those licenses, certificates, or
5 authorities.

6 The Department shall issue a monthly disciplinary
7 report.

8 The Department shall deny any license or renewal
9 authorized by the Civil Administrative Code of Illinois to
10 any person who has defaulted on an educational loan or
11 scholarship provided by or guaranteed by the Illinois
12 Student Assistance Commission or any governmental agency
13 of this State; however, the Department may issue a license
14 or renewal if the aforementioned persons have established a
15 satisfactory repayment record as determined by the
16 Illinois Student Assistance Commission or other
17 appropriate governmental agency of this State.
18 Additionally, beginning June 1, 1996, any license issued by
19 the Department may be suspended or revoked if the
20 Department, after the opportunity for a hearing under the
21 appropriate licensing Act, finds that the licensee has
22 failed to make satisfactory repayment to the Illinois
23 Student Assistance Commission for a delinquent or
24 defaulted loan. For the purposes of this Section,
25 "satisfactory repayment record" shall be defined by rule.

26 The Department shall refuse to issue or renew a license

1 to, or shall suspend or revoke a license of, any person
2 who, after receiving notice, fails to comply with a
3 subpoena or warrant relating to a paternity or child
4 support proceeding. However, the Department may issue a
5 license or renewal upon compliance with the subpoena or
6 warrant.

7 The Department, without further process or hearings,
8 shall revoke, suspend, or deny any license or renewal
9 authorized by the Civil Administrative Code of Illinois to
10 a person who is certified by the Department of Healthcare
11 and Family Services (formerly Illinois Department of
12 Public Aid) as being more than 30 days delinquent in
13 complying with a child support order or who is certified by
14 a court as being in violation of the Non-Support Punishment
15 Act for more than 60 days. The Department may, however,
16 issue a license or renewal if the person has established a
17 satisfactory repayment record as determined by the
18 Department of Healthcare and Family Services (formerly
19 Illinois Department of Public Aid) or if the person is
20 determined by the court to be in compliance with the
21 Non-Support Punishment Act. The Department may implement
22 this paragraph as added by Public Act 89-6 through the use
23 of emergency rules in accordance with Section 5-45 of the
24 Illinois Administrative Procedure Act. For purposes of the
25 Illinois Administrative Procedure Act, the adoption of
26 rules to implement this paragraph shall be considered an

1 emergency and necessary for the public interest, safety,
2 and welfare.

3 (6) To transfer jurisdiction of any realty under the
4 control of the Department to any other department of the
5 State Government or to acquire or accept federal lands when
6 the transfer, acquisition, or acceptance is advantageous
7 to the State and is approved in writing by the Governor.

8 (7) To formulate rules and regulations necessary for
9 the enforcement of any Act administered by the Department.

10 (8) To exchange with the Department of Healthcare and
11 Family Services information that may be necessary for the
12 enforcement of child support orders entered pursuant to the
13 Illinois Public Aid Code, the Illinois Marriage and
14 Dissolution of Marriage Act, the Non-Support of Spouse and
15 Children Act, the Non-Support Punishment Act, the Revised
16 Uniform Reciprocal Enforcement of Support Act, the Uniform
17 Interstate Family Support Act, or the Illinois Parentage
18 Act of 1984. Notwithstanding any provisions in this Code to
19 the contrary, the Department of Professional Regulation
20 shall not be liable under any federal or State law to any
21 person for any disclosure of information to the Department
22 of Healthcare and Family Services (formerly Illinois
23 Department of Public Aid) under this paragraph (8) or for
24 any other action taken in good faith to comply with the
25 requirements of this paragraph (8).

26 (8.5) To accept continuing education credit for

1 mandated reporter training on how to recognize and report
2 child abuse offered by the Department of Children and
3 Family Services and completed by any person who holds a
4 professional license issued by the Department and who is a
5 mandated reporter under the Abused and Neglected Child
6 Reporting Act. The Department shall adopt any rules
7 necessary to implement this paragraph.

8 (9) To perform other duties prescribed by law.

9 (a-5) Except in cases involving default on an educational
10 loan or scholarship provided by or guaranteed by the Illinois
11 Student Assistance Commission or any governmental agency of
12 this State or in cases involving delinquency in complying with
13 a child support order or violation of the Non-Support
14 Punishment Act and notwithstanding anything that may appear in
15 any individual licensing Act or administrative rule, no person
16 or entity whose license, certificate, or authority has been
17 revoked as authorized in any licensing Act administered by the
18 Department may apply for restoration of that license,
19 certification, or authority until 3 years after the effective
20 date of the revocation.

21 (b) The Department may, when a fee is payable to the
22 Department for a wall certificate of registration provided by
23 the Department of Central Management Services, require that
24 portion of the payment for printing and distribution costs be
25 made directly or through the Department to the Department of
26 Central Management Services for deposit into the Paper and

1 Printing Revolving Fund. The remainder shall be deposited into
2 the General Revenue Fund.

3 (c) For the purpose of securing and preparing evidence, and
4 for the purchase of controlled substances, professional
5 services, and equipment necessary for enforcement activities,
6 recoupment of investigative costs, and other activities
7 directed at suppressing the misuse and abuse of controlled
8 substances, including those activities set forth in Sections
9 504 and 508 of the Illinois Controlled Substances Act, the
10 Director and agents appointed and authorized by the Director
11 may expend sums from the Professional Regulation Evidence Fund
12 that the Director deems necessary from the amounts appropriated
13 for that purpose. Those sums may be advanced to the agent when
14 the Director deems that procedure to be in the public interest.
15 Sums for the purchase of controlled substances, professional
16 services, and equipment necessary for enforcement activities
17 and other activities as set forth in this Section shall be
18 advanced to the agent who is to make the purchase from the
19 Professional Regulation Evidence Fund on vouchers signed by the
20 Director. The Director and those agents are authorized to
21 maintain one or more commercial checking accounts with any
22 State banking corporation or corporations organized under or
23 subject to the Illinois Banking Act for the deposit and
24 withdrawal of moneys to be used for the purposes set forth in
25 this Section; provided, that no check may be written nor any
26 withdrawal made from any such account except upon the written

1 signatures of 2 persons designated by the Director to write
2 those checks and make those withdrawals. Vouchers for those
3 expenditures must be signed by the Director. All such
4 expenditures shall be audited by the Director, and the audit
5 shall be submitted to the Department of Central Management
6 Services for approval.

7 (d) Whenever the Department is authorized or required by
8 law to consider some aspect of criminal history record
9 information for the purpose of carrying out its statutory
10 powers and responsibilities, then, upon request and payment of
11 fees in conformance with the requirements of Section 2605-400
12 of the Department of State Police Law (20 ILCS 2605/2605-400),
13 the Department of State Police is authorized to furnish,
14 pursuant to positive identification, the information contained
15 in State files that is necessary to fulfill the request.

16 (e) The provisions of this Section do not apply to private
17 business and vocational schools as defined by Section 15 of the
18 Private Business and Vocational Schools Act of 2012.

19 (f) (Blank). ~~Beginning July 1, 1995, this Section does not~~
20 ~~apply to those professions, trades, and occupations licensed~~
21 ~~under the Real Estate License Act of 2000, nor does it apply to~~
22 ~~any permits, certificates, or other authorizations to do~~
23 ~~business provided for in the Land Sales Registration Act of~~
24 ~~1989 or the Illinois Real Estate Time Share Act.~~

25 (g) Notwithstanding anything that may appear in any
26 individual licensing statute or administrative rule, the

1 Department shall deny any license application or renewal
2 authorized under any licensing Act administered by the
3 Department to any person who has failed to file a return, or to
4 pay the tax, penalty, or interest shown in a filed return, or
5 to pay any final assessment of tax, penalty, or interest, as
6 required by any tax Act administered by the Illinois Department
7 of Revenue, until such time as the requirement of any such tax
8 Act are satisfied; however, the Department may issue a license
9 or renewal if the person has established a satisfactory
10 repayment record as determined by the Illinois Department of
11 Revenue. For the purpose of this Section, "satisfactory
12 repayment record" shall be defined by rule.

13 In addition, a complaint filed with the Department by the
14 Illinois Department of Revenue that includes a certification,
15 signed by its Director or designee, attesting to the amount of
16 the unpaid tax liability or the years for which a return was
17 not filed, or both, is prima facie evidence of the licensee's
18 failure to comply with the tax laws administered by the
19 Illinois Department of Revenue. Upon receipt of that
20 certification, the Department shall, without a hearing,
21 immediately suspend all licenses held by the licensee.
22 Enforcement of the Department's order shall be stayed for 60
23 days. The Department shall provide notice of the suspension to
24 the licensee by mailing a copy of the Department's order by
25 certified and regular mail to the licensee's last known address
26 as registered with the Department. The notice shall advise the

1 licensee that the suspension shall be effective 60 days after
2 the issuance of the Department's order unless the Department
3 receives, from the licensee, a request for a hearing before the
4 Department to dispute the matters contained in the order.

5 Any suspension imposed under this subsection (g) shall be
6 terminated by the Department upon notification from the
7 Illinois Department of Revenue that the licensee is in
8 compliance with all tax laws administered by the Illinois
9 Department of Revenue.

10 The Department may ~~shall~~ promulgate rules for the
11 administration of this subsection (g).

12 (h) The Department may grant the title "Retired", to be
13 used immediately adjacent to the title of a profession
14 regulated by the Department, to eligible retirees. The use of
15 the title "Retired" shall not constitute representation of
16 current licensure, registration, or certification. Any person
17 without an active license, registration, or certificate in a
18 profession that requires licensure, registration, or
19 certification shall not be permitted to practice that
20 profession.

21 (i) Within 180 days after December 23, 2009 (the effective
22 date of Public Act 96-852), the Department shall promulgate
23 rules which permit a person with a criminal record, who seeks a
24 license or certificate in an occupation for which a criminal
25 record is not expressly a per se bar, to apply to the
26 Department for a non-binding, advisory opinion to be provided

1 by the Board or body with the authority to issue the license or
2 certificate as to whether his or her criminal record would bar
3 the individual from the licensure or certification sought,
4 should the individual meet all other licensure requirements
5 including, but not limited to, the successful completion of the
6 relevant examinations.

7 (Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14;
8 98-850, eff. 1-1-15.)

9 (20 ILCS 2105/2105-100) (was 20 ILCS 2105/60c)

10 Sec. 2105-100. Disciplinary action with respect to
11 certificates; notice citation; hearing.

12 (a) Certificates may be revoked, suspended, placed on
13 probationary status, reprimanded, fined, or have other
14 disciplinary action taken with regard to them as authorized in
15 any licensing Act administered by the Department in the manner
16 provided by the Civil Administrative Code of Illinois and not
17 otherwise.

18 (b) The Department may upon its own motion and shall upon
19 the verified complaint in writing of any person, provided the
20 complaint or the complaint together with evidence, documentary
21 or otherwise, presented in connection with the complaint makes
22 a prima facie case, investigate the actions of any person
23 holding or claiming to hold a certificate.

24 (c) Before suspending, revoking, placing on probationary
25 status, reprimanding, fining, or taking any other disciplinary

1 action that may be authorized in any licensing Act administered
2 by the Department with regard to any certificate, the
3 Department shall issue a notice informing ~~citation notifying~~
4 the registrant of the time and place when and where a hearing
5 of the charges shall be had. The notice ~~citation~~ shall contain
6 a statement of the charges or shall be accompanied by a copy of
7 the written complaint if such complaint shall have been filed.
8 The notice ~~citation~~ shall be served on the registrant at least
9 10 days prior to the date set in the notice ~~citation~~ for the
10 hearing, either by delivery of the notice ~~citation~~ personally
11 to the registrant or by mailing the notice ~~citation~~ by
12 registered mail to the registrant's address of record ~~last~~
13 ~~known place of residence~~; provided that in any case where the
14 registrant is now or may hereafter be required by law to
15 maintain a place of business in this State and to notify the
16 Department of the location of that place of business, the
17 notice ~~citation~~ may be served by mailing it by registered mail
18 to the registrant at the place of business last described by
19 the registrant in the notification to the Department.

20 (d) At the time and place fixed in the notice ~~citation~~, the
21 Department shall proceed to a hearing of the charges. Both the
22 registrant and the complainant shall be accorded ample
23 opportunity to present, in person or by counsel, any
24 statements, testimony, evidence, and argument that may be
25 pertinent to the charges or to any defense to the charges. The
26 Department may continue the hearing from time to time.

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 (20 ILCS 2105/2105-105) (was 20 ILCS 2105/60d)

3 Sec. 2105-105. Oaths; subpoenas; penalty.

4 (a) The Department, by its Director or a person designated
5 by him or her, is empowered, at any time during the course of
6 any investigation or hearing conducted pursuant to any Act
7 administered by the Department, to administer oaths, subpoena
8 witnesses, take evidence, and compel the production of any
9 books, papers, records, or any other documents that the
10 Director, or a person designated by him or her, deems relevant
11 or material to any such investigation or hearing conducted by
12 the Department, with the same fees and mileage and in the same
13 manner as prescribed by law in judicial proceedings in civil
14 cases in circuit courts of this State. Discovery or evidence
15 depositions shall not be taken, except by agreement of the
16 Department and registrant.

17 (b) Any person who, without lawful authority, fails to
18 appear in response to a subpoena or to answer any question or
19 produce any books, papers, records, or any other documents
20 relevant or material to the investigation or hearing is guilty
21 of a Class A misdemeanor. Each violation shall constitute a
22 separate and distinct offense.

23 In addition to initiating criminal proceedings, the
24 Department, through the Attorney General, may seek enforcement
25 of any such subpoena by any circuit court of this State.

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 (20 ILCS 2105/2105-110) (was 20 ILCS 2105/60e)

3 Sec. 2105-110. Court order requiring attendance of
4 witnesses or production of materials. Any circuit court, upon
5 the application of the registrant ~~or complainant~~ or of the
6 Department, may by order duly entered enforce a subpoena issued
7 by the Department for ~~require~~ the attendance of witnesses and
8 the production of relevant books and papers before the
9 Department in any hearing relative to the application for
10 refusal to renew, suspension, revocation, placing on
11 probationary status, reprimand, fine, or the taking of any
12 other disciplinary action as may be authorized in any licensing
13 Act administered by the Department with regard to any
14 certificate of registration. The court may compel obedience to
15 its order by proceedings for contempt.

16 (Source: P.A. 91-239, eff. 1-1-00.)

17 (20 ILCS 2105/2105-115) (was 20 ILCS 2105/60f)

18 Sec. 2105-115. Certified shorthand reporter ~~Stenographer;~~
19 transcript. The Department, at its expense, shall provide a
20 certified shorthand reporter ~~stenographer~~ to take down the
21 testimony and preserve a record of all proceedings at the
22 hearing of any case in which a certificate may be revoked,
23 suspended, placed on probationary status, reprimanded, fined,
24 or subjected to other disciplinary action with reference to the

1 certificate when a disciplinary action is authorized in any
2 licensing Act administered by the Department. The notice
3 ~~citation~~, complaint, and all other documents in the nature of
4 pleadings and written motions filed in the proceedings, the
5 transcript of testimony, the report of the board, and the
6 orders of the Department shall be the record of the
7 proceedings. The Department shall furnish ~~a transcript of~~ the
8 record to any person interested in the hearing upon payment
9 therefor of \$1 per page. The Department may contract for court
10 reporting services, and, in the event it does so, the
11 Department shall provide the name and contact information for
12 the certified shorthand reporter who transcribed the testimony
13 at a hearing to any person interested, who may obtain a copy of
14 the transcript of any proceedings at a hearing upon payment of
15 the fee specified by the certified shorthand reporter. This
16 charge is in addition to any fee charged by the Department for
17 certifying the record.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 2105/2105-117 new)

20 Sec. 2105-117. Confidentiality. All information collected
21 by the Department in the course of an examination or
22 investigation of a licensee, registrant, or applicant,
23 including, but not limited to, any complaint against a licensee
24 or registrant filed with the Department and information
25 collected to investigate any such complaint, shall be

1 maintained for the confidential use of the Department and shall
2 not be disclosed. The Department may not disclose the
3 information to anyone other than law enforcement officials,
4 other regulatory agencies that have an appropriate regulatory
5 interest as determined by the Director, or a party presenting a
6 lawful subpoena to the Department. Information and documents
7 disclosed to a federal, State, county, or local law enforcement
8 agency shall not be disclosed by the agency for any purpose to
9 any other agency or person. A formal complaint filed against a
10 licensee or registrant by the Department or any order issued by
11 the Department against a licensee, registrant, or applicant
12 shall be a public record, except as otherwise prohibited by
13 law.

14 (20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

15 Sec. 2105-120. Board's report; registrant's motion for
16 rehearing.

17 (a) The board shall present to the Director its written
18 report of its findings and recommendations. A copy of the
19 report shall be served upon the registrant, either personally
20 or by registered mail as provided in Section 2105-100 for the
21 service of the notice citation.

22 (b) Within 20 days after the service required under
23 subsection (a), the registrant may present to the Department a
24 motion in writing for a rehearing. The written motion shall
25 specify the particular grounds for a rehearing. If the

1 registrant orders and pays for a transcript of the record as
2 provided in Section 2105-115, the time elapsing thereafter and
3 before the transcript is ready for delivery to the registrant
4 shall not be counted as part of the 20 days.

5 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
6 eff. 6-28-01.)

7 (20 ILCS 2105/2105-125) (was 20 ILCS 2105/60h)

8 Sec. 2105-125. Restoration of certificate. At any time
9 after the successful completion of any term of suspension,
10 revocation, placement on probationary status, or other
11 disciplinary action taken by the Department with reference to
12 any certificate, including payment of any fine, the Department
13 may restore it to the registrant without examination, upon the
14 written recommendation of the appropriate board.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 (20 ILCS 2105/2105-175) (was 20 ILCS 2105/60a in part)

17 Sec. 2105-175. Reexaminations or rehearings. Whenever the
18 Director is satisfied that substantial justice has not been
19 done either in an examination or in the revocation of, refusal
20 to renew, suspension, placing on probationary status,
21 reprimanding, fining, or taking of other disciplinary action as
22 may be authorized in any licensing Act administered by the
23 Department with regard to a license, certificate, or authority,
24 the Director may order reexaminations or rehearings by the same

1 or other examiners or hearing officers.

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (20 ILCS 2105/2105-200) (was 20 ILCS 2105/60.1)

4 Sec. 2105-200. Index of formal decisions regarding
5 disciplinary action. The Department shall maintain an index of
6 formal decisions regarding the issuance of or refusal to issue
7 licenses, the renewal of or refusal to renew licenses, the
8 revocation or suspension of licenses, and probationary or other
9 disciplinary action taken by the Department after August 31,
10 1971 (the effective date of Public Act 77-1400). ~~The decisions~~
11 ~~shall be indexed according to the statutory Section and the~~
12 ~~administrative regulation, if any, that is the basis for the~~
13 ~~decision.~~ The index shall be available to the public during
14 regular business hours.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

17 Sec. 2105-205. Publication of disciplinary actions. The
18 Department shall publish on its website, at least monthly,
19 final disciplinary actions taken by the Department against a
20 licensee or applicant pursuant to any licensing Act
21 administered by the Department ~~the Medical Practice Act of~~
22 ~~1987~~. The specific disciplinary action and the name of the
23 applicant or licensee shall be listed. ~~This publication shall~~
24 ~~be made available to the public upon request and payment of the~~

1 ~~fees set by the Department. This publication may be made~~
2 ~~available to the public on the Internet through the State of~~
3 ~~Illinois World Wide Web site.~~

4 (Source: P.A. 90-14, eff. 7-1-97; 91-239, eff. 1-1-00.)

5 (20 ILCS 2105/2105-300) (was 20 ILCS 2105/61e)

6 Sec. 2105-300. Professions Indirect Cost Fund;
7 allocations; analyses.

8 (a) Appropriations for the direct and allocable indirect
9 costs of licensing and regulating each regulated profession,
10 trade, occupation, or industry are intended to be payable from
11 the fees and fines that are assessed and collected from that
12 profession, trade, occupation, or industry, to the extent that
13 those fees and fines are sufficient. In any fiscal year in
14 which the fees and fines generated by a specific profession,
15 trade, occupation, or industry are insufficient to finance the
16 necessary direct and allocable indirect costs of licensing and
17 regulating that profession, trade, occupation, or industry,
18 the remainder of those costs shall be financed from
19 appropriations payable from revenue sources other than fees and
20 fines. The direct and allocable indirect costs of the
21 Department identified in its cost allocation plans that are not
22 attributable to the licensing and regulation of a specific
23 profession, trade, or occupation, or industry or group of
24 professions, trades, occupations, or industries shall be
25 financed from appropriations from revenue sources other than

1 fees and fines.

2 (b) The Professions Indirect Cost Fund is hereby created as
3 a special fund in the State Treasury. Except as provided in
4 subsection (e), the Fund may receive transfers of moneys
5 authorized by the Department from the cash balances in special
6 funds that receive revenues from the fees and fines associated
7 with the licensing of regulated professions, trades,
8 occupations, and industries by the Department. ~~For purposes of
9 this Section only, until June 30, 2010, the Fund may also
10 receive transfers of moneys authorized by the Department from
11 the cash balances in special funds that receive revenues from
12 the fees and fines associated with the licensing of regulated
13 professions, trades, occupations, and industries by the
14 Department of Insurance.~~ Moneys in the Fund shall be invested
15 and earnings on the investments shall be retained in the Fund.
16 Subject to appropriation, the Department shall use moneys in
17 the Fund to pay the ordinary and necessary allocable indirect
18 expenses associated with each of the regulated professions,
19 trades, occupations, and industries.

20 (c) Before the beginning of each fiscal year, the
21 Department shall prepare a cost allocation analysis to be used
22 in establishing the necessary appropriation levels for each
23 cost purpose and revenue source. At the conclusion of each
24 fiscal year, the Department shall prepare a cost allocation
25 analysis reflecting the extent of the variation between how the
26 costs were actually financed in that year and the planned cost

1 allocation for that year. Variations between the planned and
2 actual cost allocations for the prior fiscal year shall be
3 adjusted into the Department's planned cost allocation for the
4 next fiscal year.

5 Each cost allocation analysis shall separately identify
6 the direct and allocable indirect costs of each regulated
7 profession, trade, occupation, or industry and the costs of the
8 Department's general public health and safety purposes. The
9 analyses shall determine whether the direct and allocable
10 indirect costs of each regulated profession, trade,
11 occupation, or industry and the costs of the Department's
12 general public health and safety purposes are sufficiently
13 financed from their respective funding sources. The Department
14 shall prepare the cost allocation analyses in consultation with
15 the respective regulated professions, trades, occupations, and
16 industries and shall make copies of the analyses available to
17 them in a timely fashion. ~~For purposes of this Section only,~~
18 ~~until June 30, 2010, the Department shall include in its cost~~
19 ~~allocation analysis the direct and allocable indirect costs of~~
20 ~~each regulated profession, trade, occupation, or industry and~~
21 ~~the costs of the general public health and safety purposes of~~
22 ~~the Department of Insurance.~~

23 (d) Except as provided in subsection (e), the Department
24 may direct the State Comptroller and Treasurer to transfer
25 moneys from the special funds that receive fees and fines
26 associated with regulated professions, trades, occupations,

1 and industries into the Professions Indirect Cost Fund in
2 accordance with the Department's cost allocation analysis plan
3 for the applicable fiscal year. For a given fiscal year, the
4 Department shall not direct the transfer of moneys under this
5 subsection from a special fund associated with a specific
6 regulated profession, trade, occupation, or industry (or group
7 of professions, trades, occupations, or industries) in an
8 amount exceeding the allocable indirect costs associated with
9 that profession, trade, occupation, or industry (or group of
10 professions, trades, occupations, or industries) as provided
11 in the cost allocation analysis for that fiscal year and
12 adjusted for allocation variations from the prior fiscal year.
13 No direct costs identified in the cost allocation plan shall be
14 used as a basis for transfers into the Professions Indirect
15 Cost Fund or for expenditures from the Fund.

16 (e) No transfer may be made to the Professions Indirect
17 Cost Fund under this Section from the Public Pension Regulation
18 Fund.

19 (Source: P.A. 95-950, eff. 8-29-08; 96-45, eff. 7-15-09.)

20 (20 ILCS 2105/2105-325) (was 20 ILCS 2105/60a in part)

21 Sec. 2105-325. Board member expenses ~~compensation~~. Except
22 as otherwise provided in any licensing Act, from amounts
23 appropriated for ~~compensation and~~ expenses of boards, each
24 member of each board shall ~~receive compensation at a rate,~~
25 ~~established by the Director, not to exceed \$50 per day, for the~~

1 ~~member's service and shall~~ be reimbursed for the member's
2 expenses necessarily incurred in relation to that service in
3 accordance with the travel regulations applicable to the
4 Department at the time the expenses are incurred.

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 (20 ILCS 2105/2105-400)

7 Sec. 2105-400. Emergency Powers.

8 (a) Upon proclamation of a disaster by the Governor, as
9 provided for in the Illinois Emergency Management Agency Act,
10 the Secretary of Financial and Professional Regulation shall
11 have the following powers, which shall be exercised only in
12 coordination with the Illinois Emergency Management Agency and
13 the Department of Public Health:

14 (1) The power to suspend the requirements for permanent
15 or temporary licensure of persons who are licensed in
16 another state and are working under the direction of the
17 Illinois Emergency Management Agency and the Department of
18 Public Health pursuant to a declared disaster.

19 (2) The power to modify the scope of practice
20 restrictions under any licensing act administered by the
21 Department for any person working under the direction of
22 the Illinois Emergency Management Agency and the Illinois
23 Department of Public Health pursuant to the declared
24 disaster.

25 (3) The power to expand the exemption in Section 4(a)

1 of the Pharmacy Practice Act to those licensed
2 professionals whose scope of practice has been modified,
3 under paragraph (2) of subsection (a) of this Section, to
4 include any element of the practice of pharmacy as defined
5 in the Pharmacy Practice Act for any person working under
6 the direction of the Illinois Emergency Management Agency
7 and the Illinois Department of Public Health pursuant to
8 the declared disaster.

9 (b) Persons exempt from licensure under paragraph (1) of
10 subsection (a) of this Section and persons operating under
11 modified scope of practice provisions under paragraph (2) of
12 subsection (a) of this Section shall be exempt from licensure
13 or be subject to modified scope of practice only until the
14 declared disaster has ended as provided by law. For purposes of
15 this Section, persons working under the direction of an
16 emergency services and disaster agency accredited by the
17 Illinois Emergency Management Agency and a local public health
18 department, pursuant to a declared disaster, shall be deemed to
19 be working under the direction of the Illinois Emergency
20 Management Agency and the Department of Public Health.

21 (c) The Secretary or the Director, as his or her designee,
22 shall exercise these powers by way of proclamation.

23 (Source: P.A. 94-733, eff. 4-27-06; 95-689, eff. 10-29-07.)

24 (20 ILCS 2105/2105-150 rep.)

25 (20 ILCS 2105/2105-350 rep.)

1 Section 901. The Department of Professional Regulation Law
2 of the Civil Administrative Code of Illinois is amended by
3 repealing Sections 2105-150 and 2105-350.

4 Section 902. The Clinical Psychologist Licensing Act is
5 amended by changing Section 3 and by adding Section 24.2 as
6 follows:

7 (225 ILCS 15/3) (from Ch. 111, par. 5353)

8 (Section scheduled to be repealed on January 1, 2017)

9 Sec. 3. Necessity of license; corporations, professional
10 limited liability companies, partnerships, and associations;
11 display of license.

12 (a) No individual, partnership, association or corporation
13 shall, without a valid license as a clinical psychologist
14 issued by the Department, in any manner hold himself or herself
15 out to the public as a psychologist or clinical psychologist
16 under the provisions of this Act or render or offer to render
17 clinical psychological services as defined in paragraph 7 of
18 Section 2 of this Act; or attach the title "clinical
19 psychologist", "psychologist" or any other name or designation
20 which would in any way imply that he or she is able to practice
21 as a clinical psychologist; or offer to render or render, to
22 individuals, corporations or the public, clinical
23 psychological services as defined in paragraph 7 of Section 2
24 of this Act.

1 No person may engage in the practice of clinical
2 psychology, as defined in paragraph (5) of Section 2 of this
3 Act, without a license granted under this Act, except as
4 otherwise provided in this Act.

5 (b) No association or partnership shall be granted a
6 license and no professional limited liability company shall
7 provide, attempt to provide, or offer to provide clinical
8 psychological services unless every member, partner, and
9 employee of the association, ~~or~~ partnership, or professional
10 limited liability company who renders clinical psychological
11 services holds a currently valid license issued under this Act.
12 No license shall be issued by the Department to a corporation
13 that (i) has a stated purpose that includes clinical
14 psychology, or (ii) practices or holds itself out as available
15 to practice clinical psychology, unless it is organized under
16 the Professional Service Corporation Act.

17 (c) Individuals, corporations, professional limited
18 liability companies, partnerships, and associations may employ
19 practicum students, interns or postdoctoral candidates seeking
20 to fulfill educational requirements or the professional
21 experience requirements needed to qualify for a license as a
22 clinical psychologist to assist in the rendering of services,
23 provided that such employees function under the direct
24 supervision, order, control and full professional
25 responsibility of a licensed clinical psychologist in the
26 corporation, professional limited liability company,

1 partnership, or association. Nothing in this paragraph shall
2 prohibit a corporation, professional limited liability
3 company, partnership, or association from contracting with a
4 licensed health care professional to provide services.

5 (c-5) Nothing in this Act shall preclude individuals
6 licensed under this Act from practicing directly or indirectly
7 for a physician licensed to practice medicine in all its
8 branches under the Medical Practice Act of 1987 or for any
9 legal entity as provided under subsection (c) of Section 22.2
10 of the Medical Practice Act of 1987.

11 (d) Nothing in this Act shall prevent the employment, by a
12 clinical psychologist, individual, association, partnership,
13 professional limited liability company, or a corporation
14 furnishing clinical psychological services for remuneration,
15 of persons not licensed as clinical psychologists under the
16 provisions of this Act to perform services in various
17 capacities as needed, provided that such persons are not in any
18 manner held out to the public as rendering clinical
19 psychological services as defined in paragraph 7 of Section 2
20 of this Act. Nothing contained in this Act shall require any
21 hospital, clinic, home health agency, hospice, or other entity
22 that provides health care services to employ or to contract
23 with a clinical psychologist licensed under this Act to perform
24 any of the activities under paragraph (5) of Section 2 of this
25 Act.

26 (e) Nothing in this Act shall be construed to limit the

1 services and use of official title on the part of a person, not
2 licensed under the provisions of this Act, in the employ of a
3 State, county or municipal agency or other political
4 subdivision insofar that such services are a part of the duties
5 in his or her salaried position, and insofar that such services
6 are performed solely on behalf of his or her employer.

7 Nothing contained in this Section shall be construed as
8 permitting such person to offer their services as psychologists
9 to any other persons and to accept remuneration for such
10 psychological services other than as specifically excepted
11 herein, unless they have been licensed under the provisions of
12 this Act.

13 (f) Duly recognized members of any bonafide religious
14 denomination shall not be restricted from functioning in their
15 ministerial capacity provided they do not represent themselves
16 as being clinical psychologists or providing clinical
17 psychological services.

18 (g) Nothing in this Act shall prohibit individuals not
19 licensed under the provisions of this Act who work in self-help
20 groups or programs or not-for-profit organizations from
21 providing services in those groups, programs, or
22 organizations, provided that such persons are not in any manner
23 held out to the public as rendering clinical psychological
24 services as defined in paragraph 7 of Section 2 of this Act.

25 (h) Nothing in this Act shall be construed to prevent a
26 person from practicing hypnosis without a license issued under

1 this Act provided that the person (1) does not otherwise engage
2 in the practice of clinical psychology including, but not
3 limited to, the independent evaluation, classification, and
4 treatment of mental, emotional, behavioral, or nervous
5 disorders or conditions, developmental disabilities,
6 alcoholism and substance abuse, disorders of habit or conduct,
7 the psychological aspects of physical illness, (2) does not
8 otherwise engage in the practice of medicine including, but not
9 limited to, the diagnosis or treatment of physical or mental
10 ailments or conditions, and (3) does not hold himself or
11 herself out to the public by a title or description stating or
12 implying that the individual is a clinical psychologist or is
13 licensed to practice clinical psychology.

14 (i) Every licensee under this Act shall prominently display
15 the license at the licensee's principal office, place of
16 business, or place of employment and, whenever requested by any
17 representative of the Department, must exhibit the license.

18 (Source: P.A. 94-870, eff. 6-16-06.)

19 (225 ILCS 15/24.2 new)

20 Sec. 24.2. Confidentiality. All information collected by
21 the Department in the course of an examination or investigation
22 of a licensee or applicant, including, but not limited to, any
23 complaint against a licensee filed with the Department and
24 information collected to investigate any such complaint, shall
25 be maintained for the confidential use of the Department and

1 shall not be disclosed. The Department may not disclose the
2 information to anyone other than law enforcement officials,
3 other regulatory agencies that have an appropriate regulatory
4 interest as determined by the Secretary, or a party presenting
5 a lawful subpoena to the Department. Information and documents
6 disclosed to a federal, State, county, or local law enforcement
7 agency shall not be disclosed by the agency for any purpose to
8 any other agency or person. A formal complaint filed against a
9 licensee by the Department or any order issued by the
10 Department against a licensee or applicant shall be a public
11 record, except as otherwise prohibited by law.

12 Section 905. The Clinical Social Work and Social Work
13 Practice Act is amended by changing Section 10 and by adding
14 Section 34.1 as follows:

15 (225 ILCS 20/10) (from Ch. 111, par. 6360)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 10. License restrictions and limitations.

18 (a) No person shall, without a license as a social worker
19 issued by the Department: (i) in any manner hold himself or
20 herself out to the public as a social worker under this Act;
21 (ii) use the title "social worker" or "licensed social worker";
22 or (iii) offer to render to individuals, corporations, or the
23 public social work services if the words "social work" or
24 "licensed social worker" are used to describe the person

1 offering to render or rendering the services or to describe the
2 services rendered or offered to be rendered.

3 (b) No person shall, without a license as a clinical social
4 worker issued by the Department: (i) in any manner hold himself
5 or herself out to the public as a clinical social worker or
6 licensed clinical social worker under this Act; (ii) use the
7 title "clinical social worker" or "licensed clinical social
8 worker"; or (iii) offer to render to individuals, corporations,
9 or the public clinical social work services if the words
10 "licensed clinical social worker" or "clinical social work" are
11 used to describe the person to render or rendering the services
12 or to describe the services rendered or offered to be rendered.

13 (c) Licensed social workers may not engage in independent
14 practice of clinical social work without a clinical social
15 worker license. In independent practice, a licensed social
16 worker shall practice at all times under the order, control,
17 and full professional responsibility of a licensed clinical
18 social worker, a licensed clinical psychologist, or a
19 psychiatrist, as defined in Section 1-121 of the Mental Health
20 and Developmental Disabilities Code.

21 (d) No association, ~~or~~ partnership, or professional
22 limited liability company shall provide, attempt to provide, or
23 offer to provide social work or clinical social work services
24 ~~be granted a license~~ unless every member, partner, and employee
25 of the association, ~~or~~ partnership, or professional limited
26 liability company who practices social work or clinical social

1 work~~er~~ or who renders social work or clinical social work
2 services~~er~~ holds a current license issued under this Act. No
3 business shall provide, attempt to provide, or offer to provide
4 social work or clinical social work services license shall be
5 issued to a corporation, the stated purpose of which includes
6 or that practices or holds itself out as available to practice
7 social work or clinical social work unless it is organized
8 under the Professional Service Corporation Act, the Medical
9 Corporation Act, or the Professional Limited Liability Company
10 Act.

11 (e) Nothing in this Act shall preclude individuals licensed
12 under this Act from practicing directly or indirectly for a
13 physician licensed to practice medicine in all its branches
14 under the Medical Practice Act of 1987 or for any legal entity
15 as provided under subsection (c) of Section 22.2 of the Medical
16 Practice Act of 1987.

17 (Source: P.A. 90-150, eff. 12-30-97.)

18 (225 ILCS 20/34.1 new)

19 Sec. 34.1. Confidentiality. All information collected by
20 the Department in the course of an examination or investigation
21 of a licensee or applicant, including, but not limited to, any
22 complaint against a licensee filed with the Department and
23 information collected to investigate any such complaint, shall
24 be maintained for the confidential use of the Department and
25 shall not be disclosed. The Department may not disclose the

1 information to anyone other than law enforcement officials,
2 other regulatory agencies that have an appropriate regulatory
3 interest as determined by the Secretary, or a party presenting
4 a lawful subpoena to the Department. Information and documents
5 disclosed to a federal, State, county, or local law enforcement
6 agency shall not be disclosed by the agency for any purpose to
7 any other agency or person. A formal complaint filed against a
8 licensee by the Department or any order issued by the
9 Department against a licensee or applicant shall be a public
10 record, except as otherwise prohibited by law.

11 (225 ILCS 20/18 rep.)

12 Section 910. The Clinical Social Work and Social Work
13 Practice Act is amended by repealing Section 18.

14 Section 915. The Marriage and Family Therapy Licensing Act
15 is amended by changing Section 75 and by adding Section 156 as
16 follows:

17 (225 ILCS 55/75) (from Ch. 111, par. 8351-75)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 75. License restrictions and limitations. Practice by
20 corporations. No association, partnership, or professional
21 limited liability company shall provide, attempt to provide, or
22 offer to provide marriage and family therapy services unless
23 every member, partner, and employee of the association,

1 partnership, or professional limited liability company who
2 practices marriage and family therapy or who renders marriage
3 and family therapy services holds a current license issued
4 under this Act. No business shall provide, attempt to provide,
5 or offer to provide license shall be issued by the Department
6 to any corporation (i) that has a stated purpose that includes,
7 or (ii) that practices or holds itself out as available to
8 practice, marriage and family therapy services, unless it is
9 organized under the Professional Service Corporation Act or
10 Professional Limited Liability Company Act. Nothing in this Act
11 shall preclude individuals licensed under this Act from
12 practicing directly or indirectly for a physician licensed to
13 practice medicine in all its branches under the Medical
14 Practice Act of 1987 or for any legal entity as provided under
15 subsection (c) of Section 22.2 of the Medical Practice Act of
16 1987.

17 (Source: P.A. 87-783.)

18 (225 ILCS 55/156 new)

19 Sec. 156. Confidentiality. All information collected by
20 the Department in the course of an examination or investigation
21 of a licensee or applicant, including, but not limited to, any
22 complaint against a licensee filed with the Department and
23 information collected to investigate any such complaint, shall
24 be maintained for the confidential use of the Department and
25 shall not be disclosed. The Department may not disclose the

1 information to anyone other than law enforcement officials,
2 other regulatory agencies that have an appropriate regulatory
3 interest as determined by the Secretary, or a party presenting
4 a lawful subpoena to the Department. Information and documents
5 disclosed to a federal, State, county, or local law enforcement
6 agency shall not be disclosed by the agency for any purpose to
7 any other agency or person. A formal complaint filed against a
8 licensee by the Department or any order issued by the
9 Department against a licensee or applicant shall be a public
10 record, except as otherwise prohibited by law.

11 Section 920. The Professional Counselor and Clinical
12 Professional Counselor Licensing and Practice Act is amended by
13 changing Section 20 as follows:

14 (225 ILCS 107/20)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 20. Restrictions and limitations.

17 (a) No person shall, without a valid license as a
18 professional counselor issued by the Department: (i) in any
19 manner hold himself or herself out to the public as a
20 professional counselor under this Act; (ii) attach the title
21 "professional counselor" or "licensed professional counselor";
22 or (iii) offer to render or render to individuals,
23 corporations, or the public professional counseling services.

24 (b) No person shall, without a valid license as a clinical

1 professional counselor issued by the Department: (i) in any
2 manner hold himself or herself out to the public as a clinical
3 professional counselor or licensed clinical professional
4 counselor under this Act; (ii) attach the title "clinical
5 professional counselor" or "licensed clinical professional
6 counselor"; or (iii) offer to render to individuals,
7 corporations, or the public clinical professional counseling
8 services.

9 (c) (Blank).

10 (d) No association, limited liability company,
11 professional limited liability company, or partnership shall
12 provide, attempt to provide, or offer to provide practice
13 clinical professional counseling or professional counseling
14 services unless every member, partner, and employee of the
15 association, limited liability company, professional limited
16 liability company, or partnership who practices professional
17 counseling or clinical professional counseling, or who renders
18 professional counseling or clinical professional counseling
19 services, holds a currently valid license issued under this
20 Act. No business shall provide, attempt to provide, or offer to
21 provide license shall be issued to a corporation, the stated
22 purpose of which includes or which practices or which holds
23 itself out as available to practice professional counseling or
24 clinical professional counseling services unless it is
25 organized under the Professional Service Corporation Act or
26 Professional Limited Liability Company Act.

1 (d-5) Nothing in this Act shall preclude individuals
2 licensed under this Act from practicing directly or indirectly
3 for a physician licensed to practice medicine in all its
4 branches under the Medical Practice Act of 1987 or for any
5 legal entity as provided under subsection (c) of Section 22.2
6 of the Medical Practice Act of 1987.

7 (e) Nothing in this Act shall be construed as permitting
8 persons licensed as professional counselors or clinical
9 professional counselors to engage in any manner in the practice
10 of medicine in all its branches as defined by law in this
11 State.

12 (f) When, in the course of providing professional
13 counseling or clinical professional counseling services to any
14 person, a professional counselor or clinical professional
15 counselor licensed under this Act finds indication of a disease
16 or condition that in his or her professional judgment requires
17 professional service outside the scope of practice as defined
18 in this Act, he or she shall refer that person to a physician
19 licensed to practice medicine in all of its branches or another
20 appropriate health care practitioner.

21 (Source: P.A. 97-706, eff. 6-25-12.)

22 Section 925. The Sex Offender Evaluation and Treatment
23 Provider Act is amended by changing Section 40 as follows:

24 (225 ILCS 109/40)

1 Sec. 40. Application; exemptions.

2 (a) No person may act as a sex offender evaluator, sex
3 offender treatment provider, or associate sex offender
4 provider as defined in this Act for the provision of sex
5 offender evaluations or sex offender treatment pursuant to the
6 Sex Offender Management Board Act, the Sexually Dangerous
7 Persons Act, or the Sexually Violent Persons Commitment Act
8 unless the person is licensed to do so by the Department. Any
9 evaluation or treatment services provided by a licensed health
10 care professional not licensed under this Act shall not be
11 valid under the Sex Offender Management Board Act, the Sexually
12 Dangerous Persons Act, or the Sexually Violent Persons
13 Commitment Act. No business shall provide, attempt to provide,
14 or offer to provide sex offender evaluation services unless it
15 is organized under the Professional Service Corporation Act,
16 the Medical Corporation Act, or the Professional Limited
17 Liability Company Act.

18 (b) Nothing in this Act shall be construed to require any
19 licensed physician, advanced practice nurse, physician
20 assistant, or other health care professional to be licensed
21 under this Act for the provision of services for which the
22 person is otherwise licensed. This Act does not prohibit a
23 person licensed under any other Act in this State from engaging
24 in the practice for which he or she is licensed. This Act only
25 applies to the provision of sex offender evaluations or sex
26 offender treatment provided for the purposes of complying with

1 the Sex Offender Management Board Act, the Sexually Dangerous
2 Persons Act, or the Sexually Violent Persons Commitment Act.
3 (Source: P.A. 97-1098, eff. 7-1-13.)

4 Section 928. The Real Estate License Act of 2000 is amended
5 by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20, 5-26, 5-27,
6 5-28, 5-32, 5-35, 5-41, 5-50, 5-60, 5-70, 10-10, 10-15, 15-5,
7 20-10, 20-20, 20-21, 20-22, 20-85, 25-10, 25-25, 30-15, and
8 35-5 as follows:

9 (225 ILCS 454/1-10)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 1-10. Definitions. In this Act, unless the context
12 otherwise requires:

13 "Act" means the Real Estate License Act of 2000.

14 "Address of Record" means the designated address recorded
15 by the Department in the applicant's or licensee's application
16 file or license file as maintained by the Department's
17 licensure maintenance unit. It is the duty of the applicant or
18 licensee to inform the Department of any change of address, and
19 those changes must be made either through the Department's
20 website or by contacting the Department.

21 "Advisory Council" means the Real Estate Education
22 Advisory Council created under Section 30-10 of this Act.

23 "Agency" means a relationship in which a ~~real estate~~ broker
24 or licensee, whether directly or through an affiliated

1 licensee, represents a consumer by the consumer's consent,
2 whether express or implied, in a real property transaction.

3 "Applicant" means any person, as defined in this Section,
4 who applies to the Department for a valid license as a managing
5 ~~real estate broker, broker real estate salesperson,~~ or leasing
6 agent.

7 "Blind advertisement" means any real estate advertisement
8 that does not include the sponsoring broker's business name and
9 that is used by any licensee regarding the sale or lease of
10 real estate, including his or her own, licensed activities, or
11 the hiring of any licensee under this Act. The broker's
12 business name in the case of a franchise shall include the
13 franchise affiliation as well as the name of the individual
14 firm.

15 "Board" means the Real Estate Administration and
16 Disciplinary Board of the Department as created by Section
17 25-10 of this Act.

18 "Branch office" means a sponsoring broker's office other
19 than the sponsoring broker's principal office.

20 "Broker" means an individual, partnership, limited
21 liability company, corporation, or registered limited
22 liability partnership other than a ~~real estate salesperson or~~
23 leasing agent who, whether in person or through any media or
24 technology, for another and for compensation, or with the
25 intention or expectation of receiving compensation, either
26 directly or indirectly:

1 (1) Sells, exchanges, purchases, rents, or leases real
2 estate.

3 (2) Offers to sell, exchange, purchase, rent, or lease
4 real estate.

5 (3) Negotiates, offers, attempts, or agrees to
6 negotiate the sale, exchange, purchase, rental, or leasing
7 of real estate.

8 (4) Lists, offers, attempts, or agrees to list real
9 estate for sale, rent, lease, or exchange.

10 (5) Buys, sells, offers to buy or sell, or otherwise
11 deals in options on real estate or improvements thereon.

12 (6) Supervises the collection, offer, attempt, or
13 agreement to collect rent for the use of real estate.

14 (7) Advertises or represents himself or herself as
15 being engaged in the business of buying, selling,
16 exchanging, renting, or leasing real estate.

17 (8) Assists or directs in procuring or referring of
18 leads or prospects, intended to result in the sale,
19 exchange, lease, or rental of real estate.

20 (9) Assists or directs in the negotiation of any
21 transaction intended to result in the sale, exchange,
22 lease, or rental of real estate.

23 (10) Opens real estate to the public for marketing
24 purposes.

25 (11) Sells, leases, or offers for sale or lease real
26 estate at auction.

1 (12) Prepares or provides a broker price opinion or
2 comparative market analysis as those terms are defined in
3 this Act, pursuant to the provisions of Section 10-45 of
4 this Act.

5 "Brokerage agreement" means a written or oral agreement
6 between a sponsoring broker and a consumer for licensed
7 activities to be provided to a consumer in return for
8 compensation or the right to receive compensation from another.
9 Brokerage agreements may constitute either a bilateral or a
10 unilateral agreement between the broker and the broker's client
11 depending upon the content of the brokerage agreement. All
12 exclusive brokerage agreements shall be in writing.

13 "Broker price opinion" means an estimate or analysis of the
14 probable selling price of a particular interest in real estate,
15 which may provide a varying level of detail about the
16 property's condition, market, and neighborhood and information
17 on comparable sales. The activities of a real estate broker or
18 managing broker engaging in the ordinary course of business as
19 a broker, as defined in this Section, shall not be considered a
20 broker price opinion if no compensation is paid to the broker
21 or managing broker, other than compensation based upon the sale
22 or rental of real estate.

23 "Client" means a person who is being represented by a
24 licensee.

25 "Comparative market analysis" is an analysis or opinion
26 regarding pricing, marketing, or financial aspects relating to

1 a specified interest or interests in real estate that may be
2 based upon an analysis of comparative market data, the
3 expertise of the real estate broker or managing broker, and
4 such other factors as the broker or managing broker may deem
5 appropriate in developing or preparing such analysis or
6 opinion. The activities of a real estate broker or managing
7 broker engaging in the ordinary course of business as a broker,
8 as defined in this Section, shall not be considered a
9 comparative market analysis if no compensation is paid to the
10 broker or managing broker, other than compensation based upon
11 the sale or rental of real estate.

12 "Compensation" means the valuable consideration given by
13 one person or entity to another person or entity in exchange
14 for the performance of some activity or service. Compensation
15 shall include the transfer of valuable consideration,
16 including without limitation the following:

- 17 (1) commissions;
- 18 (2) referral fees;
- 19 (3) bonuses;
- 20 (4) prizes;
- 21 (5) merchandise;
- 22 (6) finder fees;
- 23 (7) performance of services;
- 24 (8) coupons or gift certificates;
- 25 (9) discounts;
- 26 (10) rebates;

1 (11) a chance to win a raffle, drawing, lottery, or
2 similar game of chance not prohibited by any other law or
3 statute;

4 (12) retainer fee; or

5 (13) salary.

6 "Confidential information" means information obtained by a
7 licensee from a client during the term of a brokerage agreement
8 that (i) was made confidential by the written request or
9 written instruction of the client, (ii) deals with the
10 negotiating position of the client, or (iii) is information the
11 disclosure of which could materially harm the negotiating
12 position of the client, unless at any time:

13 (1) the client permits the disclosure of information
14 given by that client by word or conduct;

15 (2) the disclosure is required by law; or

16 (3) the information becomes public from a source other
17 than the licensee.

18 "Confidential information" shall not be considered to
19 include material information about the physical condition of
20 the property.

21 "Consumer" means a person or entity seeking or receiving
22 licensed activities.

23 "Continuing education school" means any person licensed by
24 the Department as a school for continuing education in
25 accordance with Section 30-15 of this Act.

26 "Coordinator" means the Coordinator of Real Estate created

1 in Section 25-15 of this Act.

2 "Credit hour" means 50 minutes of classroom instruction in
3 course work that meets the requirements set forth in rules
4 adopted by the Department.

5 "Customer" means a consumer who is not being represented by
6 the licensee but for whom the licensee is performing
7 ministerial acts.

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Designated agency" means a contractual relationship
11 between a sponsoring broker and a client under Section 15-50 of
12 this Act in which one or more licensees associated with or
13 employed by the broker are designated as agent of the client.

14 "Designated agent" means a sponsored licensee named by a
15 sponsoring broker as the legal agent of a client, as provided
16 for in Section 15-50 of this Act.

17 "Dual agency" means an agency relationship in which a
18 licensee is representing both buyer and seller or both landlord
19 and tenant in the same transaction. When the agency
20 relationship is a designated agency, the question of whether
21 there is a dual agency shall be determined by the agency
22 relationships of the designated agent of the parties and not of
23 the sponsoring broker.

24 "Employee" or other derivative of the word "employee", when
25 used to refer to, describe, or delineate the relationship
26 between a ~~real estate~~ broker and a ~~real estate salesperson,~~

1 another ~~real estate~~ broker, or a leasing agent, shall be
2 construed to include an independent contractor relationship,
3 provided that a written agreement exists that clearly
4 establishes and states the relationship. All responsibilities
5 of a broker shall remain.

6 "Escrow moneys" means all moneys, promissory notes or any
7 other type or manner of legal tender or financial consideration
8 deposited with any person for the benefit of the parties to the
9 transaction. A transaction exists once an agreement has been
10 reached and an accepted real estate contract signed or lease
11 agreed to by the parties. Escrow moneys includes without
12 limitation earnest moneys and security deposits, except those
13 security deposits in which the person holding the security
14 deposit is also the sole owner of the property being leased and
15 for which the security deposit is being held.

16 "Electronic means of proctoring" means a methodology
17 providing assurance that the person taking a test and
18 completing the answers to questions is the person seeking
19 licensure or credit for continuing education and is doing so
20 without the aid of a third party or other device.

21 "Exclusive brokerage agreement" means a written brokerage
22 agreement that provides that the sponsoring broker has the sole
23 right, through one or more sponsored licensees, to act as the
24 exclusive designated agent or representative of the client and
25 that meets the requirements of Section 15-75 of this Act.

26 "Inoperative" means a status of licensure where the

1 licensee holds a current license under this Act, but the
2 licensee is prohibited from engaging in licensed activities
3 because the licensee is unsponsored or the license of the
4 sponsoring broker with whom the licensee is associated or by
5 whom he or she is employed is currently expired, revoked,
6 suspended, or otherwise rendered invalid under this Act.

7 "Interactive delivery method" means delivery of a course by
8 an instructor through a medium allowing for 2-way communication
9 between the instructor and a student in which either can
10 initiate or respond to questions.

11 "Leads" means the name or names of a potential buyer,
12 seller, lessor, lessee, or client of a licensee.

13 "Leasing Agent" means a person who is employed by a ~~real~~
14 ~~estate~~ broker to engage in licensed activities limited to
15 leasing residential real estate who has obtained a license as
16 provided for in Section 5-5 of this Act.

17 "License" means the document issued by the Department
18 certifying that the person named thereon has fulfilled all
19 requirements prerequisite to licensure under this Act.

20 "Licensed activities" means those activities listed in the
21 definition of "broker" under this Section.

22 "Licensee" means any person, as defined in this Section,
23 who holds a valid unexpired license as a managing ~~real estate~~
24 broker, broker ~~real estate salesperson~~, or leasing agent.

25 "Listing presentation" means a communication between a
26 managing ~~real estate~~ broker or broker ~~salesperson~~ and a

1 consumer in which the licensee is attempting to secure a
2 brokerage agreement with the consumer to market the consumer's
3 real estate for sale or lease.

4 "Managing broker" means a broker who has supervisory
5 responsibilities for licensees in one or, in the case of a
6 multi-office company, more than one office and who has been
7 appointed as such by the sponsoring broker.

8 "Medium of advertising" means any method of communication
9 intended to influence the general public to use or purchase a
10 particular good or service or real estate.

11 "Ministerial acts" means those acts that a licensee may
12 perform for a consumer that are informative or clerical in
13 nature and do not rise to the level of active representation on
14 behalf of a consumer. Examples of these acts include without
15 limitation (i) responding to phone inquiries by consumers as to
16 the availability and pricing of brokerage services, (ii)
17 responding to phone inquiries from a consumer concerning the
18 price or location of property, (iii) attending an open house
19 and responding to questions about the property from a consumer,
20 (iv) setting an appointment to view property, (v) responding to
21 questions of consumers walking into a licensee's office
22 concerning brokerage services offered or particular
23 properties, (vi) accompanying an appraiser, inspector,
24 contractor, or similar third party on a visit to a property,
25 (vii) describing a property or the property's condition in
26 response to a consumer's inquiry, (viii) completing business or

1 factual information for a consumer on an offer or contract to
2 purchase on behalf of a client, (ix) showing a client through a
3 property being sold by an owner on his or her own behalf, or
4 (x) referral to another broker or service provider.

5 "Office" means a ~~real estate~~ broker's place of business
6 where the general public is invited to transact business and
7 where records may be maintained and licenses displayed, whether
8 or not it is the broker's principal place of business.

9 "Person" means and includes individuals, entities,
10 corporations, limited liability companies, registered limited
11 liability partnerships, and partnerships, foreign or domestic,
12 except that when the context otherwise requires, the term may
13 refer to a single individual or other described entity.

14 "Personal assistant" means a licensed or unlicensed person
15 who has been hired for the purpose of aiding or assisting a
16 sponsored licensee in the performance of the sponsored
17 licensee's job.

18 "Pocket card" means the card issued by the Department to
19 signify that the person named on the card is currently licensed
20 under this Act.

21 "Pre-license school" means a school licensed by the
22 Department offering courses in subjects related to real estate
23 transactions, including the subjects upon which an applicant is
24 examined in determining fitness to receive a license.

25 "Pre-renewal period" means the period between the date of
26 issue of a currently valid license and the license's expiration

1 date.

2 "Proctor" means any person, including, but not limited to,
3 an instructor, who has a written agreement to administer
4 examinations fairly and impartially with a licensed
5 pre-license school or a licensed continuing education school.

6 "Real estate" means and includes leaseholds as well as any
7 other interest or estate in land, whether corporeal,
8 incorporeal, freehold, or non-freehold, including timeshare
9 interests, and whether the real estate is situated in this
10 State or elsewhere.

11 "Regular employee" means a person working an average of 20
12 hours per week for a person or entity who would be considered
13 as an employee under the Internal Revenue Service eleven main
14 tests in three categories being behavioral control, financial
15 control and the type of relationship of the parties, formerly
16 the twenty factor test.

17 ~~"Salesperson" means any individual, other than a real~~
18 ~~estate broker or leasing agent, who is employed by a real~~
19 ~~estate broker or is associated by written agreement with a real~~
20 ~~estate broker as an independent contractor and participates in~~
21 ~~any activity described in the definition of "broker" under this~~
22 ~~Section.~~

23 "Secretary" means the Secretary of the Department of
24 Financial and Professional Regulation, or a person authorized
25 by the Secretary to act in the Secretary's stead.

26 "Sponsoring broker" means the broker who has issued a

1 sponsor card to a licensed managing broker ~~salesperson~~, another
2 licensed broker, or a leasing agent.

3 "Sponsor card" means the temporary permit issued by the
4 sponsoring ~~real estate~~ broker certifying that the managing ~~real~~
5 ~~estate~~ broker, broker ~~real estate salesperson~~, or leasing agent
6 named thereon is employed by or associated by written agreement
7 with the sponsoring ~~real estate~~ broker, as provided for in
8 Section 5-40 of this Act.

9 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15.)

10 (225 ILCS 454/5-5)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 5-5. Leasing agent license.

13 (a) The purpose of this Section is to provide for a limited
14 scope license to enable persons who wish to engage in
15 activities limited to the leasing of residential real property
16 for which a license is required under this Act, and only those
17 activities, to do so by obtaining the license provided for
18 under this Section.

19 (b) Notwithstanding the other provisions of this Act, there
20 is hereby created a leasing agent license that shall enable the
21 licensee to engage only in residential leasing activities for
22 which a license is required under this Act. Such activities
23 include without limitation leasing or renting residential real
24 property, or attempting, offering, or negotiating to lease or
25 rent residential real property, or supervising the collection,

1 offer, attempt, or agreement to collect rent for the use of
2 residential real property. Nothing in this Section shall be
3 construed to require a licensed managing ~~real-estate~~ broker or
4 broker ~~salesperson~~ to obtain a leasing agent license in order
5 to perform leasing activities for which a license is required
6 under this Act. Licensed leasing agents must be sponsored and
7 employed by a sponsoring broker.

8 (c) The Department, by rule shall provide for the licensing
9 of leasing agents, including the issuance, renewal, and
10 administration of licenses.

11 (d) Notwithstanding any other provisions of this Act to the
12 contrary, a person may engage in residential leasing activities
13 for which a license is required under this Act, for a period of
14 120 consecutive days without being licensed, so long as the
15 person is acting under the supervision of a licensed ~~real-~~
16 ~~estate~~ broker and the broker has notified the Department that
17 the person is pursuing licensure under this Section. During the
18 120 day period all requirements of Sections 5-10 and 5-65 of
19 this Act with respect to education, successful completion of an
20 examination, and the payment of all required fees must be
21 satisfied. The Department may adopt rules to ensure that the
22 provisions of this subsection are not used in a manner that
23 enables an unlicensed person to repeatedly or continually
24 engage in activities for which a license is required under this
25 Act.

26 (Source: P.A. 96-856, eff. 12-31-09.)

1 (225 ILCS 454/5-10)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 5-10. Requirements for license as leasing agent.

4 (a) Every applicant for licensure as a leasing agent must
5 meet the following qualifications:

6 (1) be at least 18 years of age;

7 (2) be of good moral character;

8 (3) successfully complete a 4-year course of study in a
9 high school or secondary school or an equivalent course of
10 study approved by the Illinois State Board of Education;

11 (4) personally take and pass a written examination
12 authorized by the Department sufficient to demonstrate the
13 applicant's knowledge of the provisions of this Act
14 relating to leasing agents and the applicant's competence
15 to engage in the activities of a licensed leasing agent;

16 (5) provide satisfactory evidence of having completed
17 15 hours of instruction in an approved course of study
18 relating to the leasing of residential real property. The
19 course of study shall, among other topics, cover the
20 provisions of this Act applicable to leasing agents; fair
21 housing issues relating to residential leasing;
22 advertising and marketing issues; leases, applications,
23 and credit reports; owner-tenant relationships and
24 owner-tenant laws; the handling of funds; and
25 environmental issues relating to residential real

1 property;

2 (6) complete any other requirements as set forth by
3 rule; and

4 (7) present a valid application for issuance of an
5 initial license accompanied by a sponsor card and the fees
6 specified by rule.

7 (b) No applicant shall engage in any of the activities
8 covered by this Act until a valid sponsor card has been issued
9 to such applicant. The sponsor card shall be valid for a
10 maximum period of 45 days after the date of issuance unless
11 extended for good cause as provided by rule.

12 (c) Successfully completed course work, completed pursuant
13 to the requirements of this Section, may be applied to the
14 course work requirements to obtain a managing ~~real estate~~
15 broker's or broker's ~~salesperson's~~ license as provided by rule.
16 The Advisory Council may recommend through the Board to the
17 Department and the Department may adopt requirements for
18 approved courses, course content, and the approval of courses,
19 instructors, and schools, as well as school and instructor
20 fees. The Department may establish continuing education
21 requirements for licensed leasing agents, by rule, with the
22 advice of the Advisory Council and Board.

23 (Source: P.A. 96-856, eff. 12-31-09.)

24 (225 ILCS 454/5-15)

25 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 5-15. Necessity of managing broker, broker,
2 ~~salesperson,~~ or leasing agent license or sponsor card;
3 ownership restrictions.

4 (a) It is unlawful for any person, corporation, limited
5 liability company, registered limited liability partnership,
6 or partnership to act as a managing broker, ~~real estate~~ broker,
7 ~~real estate salesperson,~~ or leasing agent or to advertise or
8 assume to act as such broker, ~~salesperson,~~ or leasing agent
9 without a properly issued sponsor card or a license issued
10 under this Act by the Department, either directly or through
11 its authorized designee.

12 (b) No corporation shall be granted a license or engage in
13 the business or capacity, either directly or indirectly, of a
14 ~~real estate~~ broker, unless every officer of the corporation who
15 actively participates in the real estate activities of the
16 corporation holds a license as a managing broker or broker and
17 unless every employee who acts as a ~~salesperson,~~ or leasing
18 agent for the corporation holds a license as a broker, ~~or~~
19 ~~salesperson,~~ or leasing agent.

20 (c) No partnership shall be granted a license or engage in
21 the business or serve in the capacity, either directly or
22 indirectly, of a ~~real estate~~ broker, unless every general
23 partner in the partnership holds a license as a managing broker
24 or broker and unless every employee who acts as a ~~salesperson~~
25 ~~or~~ leasing agent for the partnership holds a license as a
26 managing broker, broker, ~~salesperson,~~ or leasing agent. In the

1 case of a registered limited liability partnership (LLP), every
2 partner in the LLP must hold a license as a managing broker or
3 broker and every employee who acts as a ~~salesperson or~~ leasing
4 agent must hold a license as a managing broker, broker,
5 ~~salesperson,~~ or leasing agent.

6 (d) No limited liability company shall be granted a license
7 or engage in the business or serve in the capacity, either
8 directly or indirectly, of a broker unless every manager in the
9 limited liability company or every member in a member managed
10 limited liability company holds a license as a managing broker
11 or broker and unless every other member and employee who acts
12 as a ~~salesperson or~~ leasing agent for the limited liability
13 company holds a license as a managing broker, broker,
14 ~~salesperson,~~ or leasing agent.

15 (e) No partnership, limited liability company, or
16 corporation shall be licensed to conduct a brokerage business
17 where an individual ~~salesperson or~~ leasing agent, or group of
18 ~~salespersons or~~ leasing agents, owns or directly or indirectly
19 controls more than 49% of the shares of stock or other
20 ownership in the partnership, limited liability company, or
21 corporation.

22 (Source: P.A. 96-856, eff. 12-31-09.)

23 (225 ILCS 454/5-20)

24 (Section scheduled to be repealed on January 1, 2020)

25 Sec. 5-20. Exemptions from managing broker, broker,

1 ~~salesperson~~, or leasing agent license requirement. The
2 requirement for holding a license under this Article 5 shall
3 not apply to:

4 (1) Any person, partnership, or corporation that as
5 owner or lessor performs any of the acts described in the
6 definition of "broker" under Section 1-10 of this Act with
7 reference to property owned or leased by it, or to the
8 regular employees thereof with respect to the property so
9 owned or leased, where such acts are performed in the
10 regular course of or as an incident to the management,
11 sale, or other disposition of such property and the
12 investment therein, provided that such regular employees
13 do not perform any of the acts described in the definition
14 of "broker" under Section 1-10 of this Act in connection
15 with a vocation of selling or leasing any real estate or
16 the improvements thereon not so owned or leased.

17 (2) An attorney in fact acting under a duly executed
18 and recorded power of attorney to convey real estate from
19 the owner or lessor or the services rendered by an attorney
20 at law in the performance of the attorney's duty as an
21 attorney at law.

22 (3) Any person acting as receiver, trustee in
23 bankruptcy, administrator, executor, or guardian or while
24 acting under a court order or under the authority of a will
25 or testamentary trust.

26 (4) Any person acting as a resident manager for the

1 owner or any employee acting as the resident manager for a
2 broker managing an apartment building, duplex, or
3 apartment complex, when the resident manager resides on the
4 premises, the premises is his or her primary residence, and
5 the resident manager is engaged in the leasing of the
6 property of which he or she is the resident manager.

7 (5) Any officer or employee of a federal agency in the
8 conduct of official duties.

9 (6) Any officer or employee of the State government or
10 any political subdivision thereof performing official
11 duties.

12 (7) Any multiple listing service or other similar
13 information exchange that is engaged in the collection and
14 dissemination of information concerning real estate
15 available for sale, purchase, lease, or exchange for the
16 purpose of providing licensees with a system by which
17 licensees may cooperatively share information along with
18 which no other licensed activities, as defined in Section
19 1-10 of this Act, are provided.

20 (8) Railroads and other public utilities regulated by
21 the State of Illinois, or the officers or full time
22 employees thereof, unless the performance of any licensed
23 activities is in connection with the sale, purchase, lease,
24 or other disposition of real estate or investment therein
25 not needing the approval of the appropriate State
26 regulatory authority.

1 (9) Any medium of advertising in the routine course of
2 selling or publishing advertising along with which no other
3 licensed activities, as defined in Section 1-10 of this
4 Act, are provided.

5 (10) Any resident lessee of a residential dwelling unit
6 who refers for compensation to the owner of the dwelling
7 unit, or to the owner's agent, prospective lessees of
8 dwelling units in the same building or complex as the
9 resident lessee's unit, but only if the resident lessee (i)
10 refers no more than 3 prospective lessees in any 12-month
11 period, (ii) receives compensation of no more than \$1,500
12 or the equivalent of one month's rent, whichever is less,
13 in any 12-month period, and (iii) limits his or her
14 activities to referring prospective lessees to the owner,
15 or the owner's agent, and does not show a residential
16 dwelling unit to a prospective lessee, discuss terms or
17 conditions of leasing a dwelling unit with a prospective
18 lessee, or otherwise participate in the negotiation of the
19 leasing of a dwelling unit.

20 (11) An exchange company registered under the Real
21 Estate Timeshare Act of 1999 and the regular employees of
22 that registered exchange company but only when conducting
23 an exchange program as defined in that Act.

24 (12) An existing timeshare owner who, for
25 compensation, refers prospective purchasers, but only if
26 the existing timeshare owner (i) refers no more than 20

1 prospective purchasers in any calendar year, (ii) receives
2 no more than \$1,000, or its equivalent, for referrals in
3 any calendar year and (iii) limits his or her activities to
4 referring prospective purchasers of timeshare interests to
5 the developer or the developer's employees or agents, and
6 does not show, discuss terms or conditions of purchase or
7 otherwise participate in negotiations with regard to
8 timeshare interests.

9 (13) Any person who is licensed without examination
10 under Section 10-25 (now repealed) of the Auction License
11 Act is exempt from holding a managing broker's or broker's
12 ~~salesperson's~~ license under this Act for the limited
13 purpose of selling or leasing real estate at auction, so
14 long as:

15 (A) that person has made application for said
16 exemption by July 1, 2000;

17 (B) that person verifies to the Department that he
18 or she has sold real estate at auction for a period of
19 5 years prior to licensure as an auctioneer;

20 (C) the person has had no lapse in his or her
21 license as an auctioneer; and

22 (D) the license issued under the Auction License
23 Act has not been disciplined for violation of those
24 provisions of Article 20 of the Auction License Act
25 dealing with or related to the sale or lease of real
26 estate at auction.

1 (14) A person who holds a valid license under the
2 Auction License Act and a valid real estate auction
3 certification and conducts auctions for the sale of real
4 estate under Section 5-32 of this Act.

5 (15) A hotel operator who is registered with the
6 Illinois Department of Revenue and pays taxes under the
7 Hotel Operators' Occupation Tax Act and rents a room or
8 rooms in a hotel as defined in the Hotel Operators'
9 Occupation Tax Act for a period of not more than 30
10 consecutive days and not more than 60 days in a calendar
11 year.

12 (Source: P.A. 98-553, eff. 1-1-14.)

13 (225 ILCS 454/5-26)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 5-26. License Requirements ~~for license~~ as a
16 salesperson.

17 ~~(a) Every applicant for licensure as a salesperson must~~
18 ~~meet the following qualifications:~~

19 ~~(1) Be at least 21 years of age. The minimum age of 21~~
20 ~~years shall be waived for any person seeking a license as a~~
21 ~~real estate salesperson who has attained the age of 18 and~~
22 ~~can provide evidence of the successful completion of at~~
23 ~~least 4 semesters of post-secondary school study as a~~
24 ~~full-time student or the equivalent, with major emphasis on~~
25 ~~real estate courses, in a school approved by the~~

1 ~~Department;~~

2 ~~(2) Be of good moral character;~~

3 ~~(3) Successfully complete a 4-year course of study in a~~
4 ~~high school or secondary school approved by the Illinois~~
5 ~~State Board of Education or an equivalent course of study~~
6 ~~as determined by an examination conducted by the Illinois~~
7 ~~State Board of Education, which shall be verified under~~
8 ~~oath by the applicant;~~

9 ~~(4) Provide satisfactory evidence of having completed~~
10 ~~at least 45 hours of instruction in real estate courses~~
11 ~~approved by the Advisory Council, except applicants who are~~
12 ~~currently admitted to practice law by the Supreme Court of~~
13 ~~Illinois and are currently in active standing;~~

14 ~~(5) Personally take and pass a written examination~~
15 ~~authorized by the Department; and~~

16 ~~(6) Present a valid application for issuance of a~~
17 ~~license accompanied by a sponsor card and the fees~~
18 ~~specified by rule.~~

19 ~~(b) No applicant shall engage in any of the activities~~
20 ~~covered by this Act until a valid sponsor card has been issued~~
21 ~~to the applicant. The sponsor card shall be valid for a maximum~~
22 ~~period of 45 days after the date of issuance unless extended~~
23 ~~for good cause as provided by rule.~~

24 ~~(c) All licenses should be readily available to the public~~
25 ~~at their sponsoring place of business.~~

26 ~~(d) No new salesperson licenses shall be issued after April~~

1 30, 2011 and all existing salesperson licenses shall terminate
2 on May 1, 2012.

3 (Source: P.A. 96-856, eff. 12-31-09; 97-333, eff. 8-12-11.)

4 (225 ILCS 454/5-27)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 5-27. Requirements for licensure as a broker.

7 (a) Every applicant for licensure as a broker must meet the
8 following qualifications:

9 (1) Be at least 21 years of age. After April 30, 2011,
10 the minimum age of 21 years shall be waived for any person
11 seeking a license as a broker who has attained the age of
12 18 and can provide evidence of the successful completion of
13 at least 4 semesters of post-secondary school study as a
14 full-time student or the equivalent, with major emphasis on
15 real estate courses, in a school approved by the
16 Department;

17 (2) Be of good moral character;

18 (3) Successfully complete a 4-year course of study in a
19 high school or secondary school approved by the Illinois
20 State Board of Education or an equivalent course of study
21 as determined by an examination conducted by the Illinois
22 State Board of Education which shall be verified under oath
23 by the applicant;

24 (4) (Blank); ~~Prior to May 1, 2011, provide (i)~~
25 ~~satisfactory evidence of having completed at least 120~~

1 ~~classroom hours, 45 of which shall be those hours required~~
2 ~~to obtain a salesperson's license plus 15 hours in~~
3 ~~brokerage administration courses, in real estate courses~~
4 ~~approved by the Advisory Council or (ii) for applicants who~~
5 ~~currently hold a valid real estate salesperson's license,~~
6 ~~give satisfactory evidence of having completed at least 75~~
7 ~~hours in real estate courses, not including the courses~~
8 ~~that are required to obtain a salesperson's license,~~
9 ~~approved by the Advisory Council;~~

10 (5) After April 30, 2011, provide satisfactory
11 evidence of having completed 90 hours of instruction in
12 real estate courses approved by the Advisory Council, 15
13 hours of which must consist of situational and case studies
14 presented in the classroom or by other interactive delivery
15 method between the instructor and the students;

16 (6) Personally take and pass a written examination
17 authorized by the Department;

18 (7) Present a valid application for issuance of a
19 license accompanied by a sponsor card and the fees
20 specified by rule.

21 (b) The requirements specified in items (3) ~~(4)~~ and (5) of
22 subsection (a) of this Section do not apply to applicants who
23 are currently admitted to practice law by the Supreme Court of
24 Illinois and are currently in active standing.

25 (c) No applicant shall engage in any of the activities
26 covered by this Act until a valid sponsor card has been issued

1 to such applicant. The sponsor card shall be valid for a
2 maximum period of 45 days after the date of issuance unless
3 extended for good cause as provided by rule.

4 (d) All licenses should be readily available to the public
5 at their place of business.

6 (e) An individual holding an active license as a managing
7 broker may return the license to the Department along with a
8 form provided by the Department and shall be issued a broker's
9 license in exchange. Any individual obtaining a broker's
10 license under this subsection (e) shall be considered as having
11 obtained a broker's license by education and passing the
12 required test and shall be treated as such in determining
13 compliance with this Act.

14 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15.)

15 (225 ILCS 454/5-28)

16 (Section scheduled to be repealed on January 1, 2020)

17 Sec. 5-28. Requirements for licensure as a managing broker.

18 (a) Effective May 1, 2012, every applicant for licensure as
19 a managing broker must meet the following qualifications:

20 (1) be at least 21 years of age;

21 (2) be of good moral character;

22 (3) have been licensed at least 2 out of the preceding
23 3 years as a ~~real estate broker or salesperson~~;

24 (4) successfully complete a 4-year course of study in
25 high school or secondary school approved by the Illinois

1 State Board of Education or an equivalent course of study
2 as determined by an examination conducted by the Illinois
3 State Board of Education, which shall be verified under
4 oath by the applicant;

5 (5) provide satisfactory evidence of having completed
6 at least 165 hours, 120 of which shall be those hours
7 required pre and post-licensure to obtain a broker's
8 license, and 45 additional hours completed within the year
9 immediately preceding the filing of an application for a
10 managing broker's license, which hours shall focus on
11 brokerage administration and management and include at
12 least 15 hours in the classroom or by other interactive
13 delivery method between the instructor and the students;

14 (6) personally take and pass a written examination
15 authorized by the Department; and

16 (7) present a valid application for issuance of a
17 license accompanied by a sponsor card, an appointment as a
18 managing broker, and the fees specified by rule.

19 (b) The requirements specified in item (5) of subsection
20 (a) of this Section do not apply to applicants who are
21 currently admitted to practice law by the Supreme Court of
22 Illinois and are currently in active standing.

23 (c) No applicant shall act as a managing broker for more
24 than 90 days after an appointment as a managing broker has been
25 filed with the Department without obtaining a managing broker's
26 license.

1 (Source: P.A. 98-531, eff. 8-23-13.)

2 (225 ILCS 454/5-32)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 5-32. Real estate auction certification.

5 (a) An auctioneer licensed under the Auction License Act
6 who does not possess a valid and active broker's or managing
7 broker's license under this Act, or who is not otherwise exempt
8 from licensure, may not engage in the practice of auctioning
9 real estate, except as provided in this Section.

10 (b) The Department shall issue a real estate auction
11 certification to applicants who:

12 (1) possess a valid auctioneer's license under the
13 Auction License Act;

14 (2) successfully complete a real estate auction course
15 of at least 30 hours approved by the Department, which
16 shall cover the scope of activities that may be engaged in
17 by a person holding a real estate auction certification and
18 the activities for which a person must hold a real estate
19 license, as well as other material as provided by the
20 Department;

21 (3) provide documentation of the completion of the real
22 estate auction course; and

23 (4) successfully complete any other reasonable
24 requirements as provided by rule.

25 (c) The auctioneer's role shall be limited to establishing

1 the time, place, and method of the real estate auction, placing
2 advertisements regarding the auction, and crying or calling the
3 auction; any other real estate brokerage activities must be
4 performed by a person holding a valid and active ~~real estate~~
5 broker's or managing broker's license under the provisions of
6 this Act or by a person who is exempt from holding a license
7 under paragraph (13) of Section 5-20 who has a certificate
8 under this Section.

9 (d) An auctioneer who conducts any real estate auction
10 activities in violation of this Section is guilty of unlicensed
11 practice under Section 20-10 of this Act.

12 (e) The Department may revoke, suspend, or otherwise
13 discipline the real estate auction certification of an
14 auctioneer who is adjudicated to be in violation of the
15 provisions of this Section or Section 20-15 of the Auction
16 License Act.

17 (f) Advertising for the real estate auction must contain
18 the name and address of the licensed ~~real estate~~ broker,
19 managing broker, or a licensed auctioneer under paragraph (13)
20 of Section 5-20 of this Act who is providing brokerage services
21 for the transaction.

22 (g) The requirement to hold a real estate auction
23 certification shall not apply to a person exempt from this Act
24 under the provisions of paragraph (13) of Section 5-20 of this
25 Act, unless that person is performing licensed activities in a
26 transaction in which a licensed auctioneer with a real estate

1 certification is providing the limited services provided for in
2 subsection (c) of this Section.

3 (h) Nothing in this Section shall require a person licensed
4 under this Act as a ~~real-estate~~ broker or managing broker to
5 obtain a real estate auction certification in order to auction
6 real estate.

7 (i) The Department may adopt rules to implement this
8 Section.

9 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

10 (225 ILCS 454/5-35)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 5-35. Examination; managing broker, broker,
13 ~~salesperson~~, or leasing agent.

14 (a) The Department shall authorize examinations at such
15 times and places as it may designate. The examination shall be
16 of a character to give a fair test of the qualifications of the
17 applicant to practice as a managing broker, broker,
18 ~~salesperson~~, or leasing agent. Applicants for examination as a
19 managing broker, broker, ~~salesperson~~, or leasing agent shall be
20 required to pay, either to the Department or the designated
21 testing service, a fee covering the cost of providing the
22 examination. Failure to appear for the examination on the
23 scheduled date, at the time and place specified, after the
24 applicant's application for examination has been received and
25 acknowledged by the Department or the designated testing

1 service, shall result in the forfeiture of the examination fee.
2 An applicant shall be eligible to take the examination only
3 after successfully completing the education requirements and
4 attaining the minimum age provided for in Article 5 of this
5 Act. Each applicant shall be required to establish compliance
6 with the eligibility requirements in the manner provided by the
7 rules promulgated for the administration of this Act.

8 (b) If a person who has received a passing score on the
9 written examination described in this Section fails to file an
10 application and meet all requirements for a license under this
11 Act within one year after receiving a passing score on the
12 examination, credit for the examination shall terminate. The
13 person thereafter may make a new application for examination.

14 (c) If an applicant has failed an examination 4 times, the
15 applicant must repeat the pre-license education required to sit
16 for the examination. For the purposes of this Section, the
17 fifth attempt shall be the same as the first. Approved
18 education, as prescribed by this Act for licensure as a
19 ~~salesperson or~~ broker, shall be valid for 4 years after the
20 date of satisfactory completion of the education.

21 (d) The Department may employ consultants for the purposes
22 of preparing and conducting examinations.

23 (Source: P.A. 96-856, eff. 12-31-09.)

24 (225 ILCS 454/5-41)

25 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 5-41. Change of address. A licensee shall notify the
2 Department of the address or addresses, and of every change of
3 address, where the licensee practices as a leasing agent,
4 ~~salesperson~~, broker or managing broker.

5 (Source: P.A. 96-856, eff. 12-31-09.)

6 (225 ILCS 454/5-50)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 5-50. Expiration and renewal of managing broker,
9 broker, ~~salesperson~~, or leasing agent license; sponsoring
10 broker; register of licensees; pocket card.

11 (a) The expiration date and renewal period for each license
12 issued under this Act shall be set by rule, ~~except that the~~
13 ~~first renewal period ending after the effective date of this~~
14 ~~Act for those licensed as a salesperson shall be extended~~
15 ~~through April 30, 2012.~~ Except as otherwise provided in this
16 Section, the holder of a license may renew the license within
17 90 days preceding the expiration date thereof by completing the
18 continuing education required by this Act and paying the fees
19 specified by rule.

20 (b) An individual whose first license is that of a broker
21 received after April 30, 2011, must provide evidence of having
22 completed 30 hours of post-license education in courses
23 approved by the Advisory Council, 15 hours of which must
24 consist of situational and case studies presented in the
25 classroom or by other interactive delivery method between the

1 instructor and the students, and personally take and pass an
2 examination approved by the Department prior to the first
3 renewal of their broker's license.

4 (c) Any ~~salesperson until April 30, 2011 or any~~ managing
5 broker, broker, or leasing agent whose license under this Act
6 has expired shall be eligible to renew the license during the
7 2-year period following the expiration date, provided the
8 managing broker, broker, salesperson, or leasing agent pays the
9 fees as prescribed by rule and completes continuing education
10 and other requirements provided for by the Act or by rule.
11 Beginning on May 1, 2012, a managing broker licensee, broker,
12 or leasing agent whose license has been expired for more than 2
13 years but less than 5 years may have it restored by (i)
14 applying to the Department, (ii) paying the required fee, (iii)
15 completing the continuing education requirements for the most
16 recent pre-renewal period that ended prior to the date of the
17 application for reinstatement, and (iv) filing acceptable
18 proof of fitness to have his or her license restored, as set by
19 rule. A managing broker, broker, or leasing agent whose license
20 has been expired for more than 5 years shall be required to
21 meet the requirements for a new license.

22 (d) Notwithstanding any other provisions of this Act to the
23 contrary, any managing broker, broker, ~~salesperson,~~ or leasing
24 agent whose license expired while he or she was (i) on active
25 duty with the Armed Forces of the United States or called into
26 service or training by the state militia, (ii) engaged in

1 training or education under the supervision of the United
2 States preliminary to induction into military service, or (iii)
3 serving as the Coordinator of Real Estate in the State of
4 Illinois or as an employee of the Department may have his or
5 her license renewed, reinstated or restored without paying any
6 lapsed renewal fees if within 2 years after the termination of
7 the service, training or education by furnishing the Department
8 with satisfactory evidence of service, training, or education
9 and it has been terminated under honorable conditions.

10 (e) The Department shall establish and maintain a register
11 of all persons currently licensed by the State and shall issue
12 and prescribe a form of pocket card. Upon payment by a licensee
13 of the appropriate fee as prescribed by rule for engagement in
14 the activity for which the licensee is qualified and holds a
15 license for the current period, the Department shall issue a
16 pocket card to the licensee. The pocket card shall be
17 verification that the required fee for the current period has
18 been paid and shall indicate that the person named thereon is
19 licensed for the current renewal period as a managing broker,
20 broker, ~~salesperson~~, or leasing agent as the case may be. The
21 pocket card shall further indicate that the person named
22 thereon is authorized by the Department to engage in the
23 licensed activity appropriate for his or her status (managing
24 broker, broker, ~~salesperson~~, or leasing agent). Each licensee
25 shall carry on his or her person his or her pocket card or, if
26 such pocket card has not yet been issued, a properly issued

1 sponsor card when engaging in any licensed activity and shall
2 display the same on demand.

3 (f) The Department shall provide to the sponsoring broker a
4 notice of renewal for all sponsored licensees by mailing the
5 notice to the sponsoring broker's address of record, or, at the
6 Department's discretion, by an electronic means as provided for
7 by rule.

8 (g) Upon request from the sponsoring broker, the Department
9 shall make available to the sponsoring broker, either by mail
10 or by an electronic means at the discretion of the Department,
11 a listing of licensees under this Act who, according to the
12 records of the Department, are sponsored by that broker. Every
13 licensee associated with or employed by a broker whose license
14 is revoked, suspended, terminated, or expired shall be
15 considered as inoperative until such time as the sponsoring
16 broker's license is reinstated or renewed, or the licensee
17 changes employment as set forth in subsection (c) of Section
18 5-40 of this Act.

19 (Source: P.A. 98-531, eff. 8-23-13.)

20 (225 ILCS 454/5-60)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 5-60. Managing broker licensed in another state;
23 broker licensed in another state; ~~salesperson licensed in~~
24 ~~another state;~~ reciprocal agreements; agent for service of
25 process.

1 (a) Effective May 1, 2011, a managing broker's license may
2 be issued by the Department to a managing broker or its
3 equivalent licensed under the laws of another state of the
4 United States, under the following conditions:

5 (1) the managing broker holds a managing broker's
6 license in a state that has entered into a reciprocal
7 agreement with the Department;

8 (2) the standards for that state for licensing as a
9 managing broker are substantially equal to or greater than
10 the minimum standards in the State of Illinois;

11 (3) the managing broker has been actively practicing as
12 a managing broker in the managing broker's state of
13 licensure for a period of not less than 2 years,
14 immediately prior to the date of application;

15 (4) the managing broker furnishes the Department with a
16 statement under seal of the proper licensing authority of
17 the state in which the managing broker is licensed showing
18 that the managing broker has an active managing broker's
19 license, that the managing broker is in good standing, and
20 that no complaints are pending against the managing broker
21 in that state;

22 (5) the managing broker passes a test on Illinois
23 specific real estate brokerage laws; and

24 (6) the managing broker was licensed by an examination
25 in the state that has entered into a reciprocal agreement
26 with the Department.

1 (b) A broker's license may be issued by the Department to a
2 broker or its equivalent licensed under the laws of another
3 state of the United States, under the following conditions:

4 (1) the broker holds a broker's license in a state that
5 has entered into a reciprocal agreement with the
6 Department;

7 (2) the standards for that state for licensing as a
8 broker are substantially equivalent to or greater than the
9 minimum standards in the State of Illinois;

10 (3) if the application is made prior to May 1, 2012,
11 then the broker has been actively practicing as a broker in
12 the broker's state of licensure for a period of not less
13 than 2 years, immediately prior to the date of application;

14 (4) the broker furnishes the Department with a
15 statement under seal of the proper licensing authority of
16 the state in which the broker is licensed showing that the
17 broker has an active broker's license, that the broker is
18 in good standing, and that no complaints are pending
19 against the broker in that state;

20 (5) the broker passes a test on Illinois specific real
21 estate brokerage laws; and

22 (6) the broker was licensed by an examination in a
23 state that has entered into a reciprocal agreement with the
24 Department.

25 (c) (Blank). ~~Prior to May 1, 2011, a salesperson may, in~~
26 ~~the discretion of the Department, be issued a salesperson's~~

1 ~~license provided all of the following conditions are met:~~

2 ~~(1) the salesperson maintains an active license in the~~
3 ~~state that has entered into a reciprocal agreement with the~~
4 ~~Department;~~

5 ~~(2) the salesperson passes a test on Illinois specific~~
6 ~~real estate brokerage laws; and~~

7 ~~(3) the salesperson was licensed by an examination in~~
8 ~~the state that has entered into a reciprocal agreement with~~
9 ~~the Department.~~

10 ~~The broker with whom the salesperson is associated shall~~
11 ~~comply with the provisions of this Act and issue the~~
12 ~~salesperson a sponsor card upon the form provided by the~~
13 ~~Department.~~

14 (d) As a condition precedent to the issuance of a license
15 to a managing broker, or broker, ~~or salesperson~~ pursuant to
16 this Section, the managing broker or broker ~~salesperson~~ shall
17 agree in writing to abide by all the provisions of this Act
18 with respect to his or her real estate activities within the
19 State of Illinois and submit to the jurisdiction of the
20 Department as provided in this Act. The agreement shall be
21 filed with the Department and shall remain in force for so long
22 as the managing broker, or broker ~~or salesperson~~ is licensed by
23 this State and thereafter with respect to acts or omissions
24 committed while licensed as a managing broker or broker
25 ~~salesperson~~ in this State.

26 (e) Prior to the issuance of any license to any managing

1 broker, or broker, ~~or salesperson licensed~~ pursuant to this
2 Section, verification of active licensure issued for the
3 conduct of such business in any other state must be filed with
4 the Department by the managing broker, or broker, ~~or~~
5 ~~salesperson~~, and the same fees must be paid as provided in this
6 Act for the obtaining of a managing broker's, or broker's ~~or~~
7 ~~salesperson's~~ license in this State.

8 (f) Licenses previously granted under reciprocal
9 agreements with other states shall remain in force so long as
10 the Department has a reciprocal agreement with the state that
11 includes the requirements of this Section, unless that license
12 is suspended, revoked, or terminated by the Department for any
13 reason provided for suspension, revocation, or termination of a
14 resident licensee's license. Licenses granted under reciprocal
15 agreements may be renewed in the same manner as a resident's
16 license.

17 (g) Prior to the issuance of a license to a nonresident
18 managing broker, or broker ~~or salesperson~~, the managing broker,
19 or broker ~~or salesperson~~ shall file with the Department a
20 designation in writing that appoints the Secretary to act as
21 his or her agent upon whom all judicial and other process or
22 legal notices directed to the managing broker, or broker ~~or~~
23 ~~salesperson~~ may be served. Service upon the agent so designated
24 shall be equivalent to personal service upon the licensee.
25 Copies of the appointment, certified by the Secretary, shall be
26 deemed sufficient evidence thereof and shall be admitted in

1 evidence with the same force and effect as the original thereof
2 might be admitted. In the written designation, the managing
3 broker, or broker ~~or salesperson~~ shall agree that any lawful
4 process against the licensee that is served upon the agent
5 shall be of the same legal force and validity as if served upon
6 the licensee and that the authority shall continue in force so
7 long as any liability remains outstanding in this State. Upon
8 the receipt of any process or notice, the Secretary shall
9 forthwith mail a copy of the same by certified mail to the last
10 known business address of the licensee.

11 (h) Any person holding a valid license under this Section
12 shall be eligible to obtain a ~~resident~~ managing broker's
13 license, or a broker's license, ~~or, prior to May 1, 2011, a~~
14 ~~salesperson's license~~ without examination should that person
15 change their state of domicile to Illinois and that person
16 otherwise meets the qualifications for licensure under this
17 Act.

18 (Source: P.A. 96-856, eff. 12-31-09.)

19 (225 ILCS 454/5-70)

20 (Section scheduled to be repealed on January 1, 2020)

21 Sec. 5-70. Continuing education requirement; managing
22 broker, or broker, ~~or salesperson~~.

23 (a) The requirements of this Section apply to all managing
24 brokers, and brokers, ~~and salespersons~~.

25 (b) Except as otherwise provided in this Section, each

1 person who applies for renewal of his or her license as a
2 managing broker, or ~~real estate broker, or real estate~~
3 ~~salesperson~~ must successfully complete 6 hours of real estate
4 continuing education courses approved by the Advisory Council
5 for each year of the pre-renewal period. ~~Broker licensees must~~
6 ~~successfully complete a 6 hour broker management continuing~~
7 ~~education course approved by the Department for the pre renewal~~
8 ~~period ending April 30, 2010.~~ In addition, beginning with the
9 pre-renewal period for managing broker licensees that begins
10 after the effective date of this Act, those licensees renewing
11 or obtaining a managing broker's license must successfully
12 complete a 12-hour broker management continuing education
13 course approved by the Department each pre-renewal period. The
14 broker management continuing education course must be
15 completed in the classroom or by other interactive delivery
16 method between the instructor and the students. Successful
17 completion of the course shall include achieving a passing
18 score as provided by rule on a test developed and administered
19 in accordance with rules adopted by the Department. No license
20 may be renewed except upon the successful completion of the
21 required courses or their equivalent or upon a waiver of those
22 requirements for good cause shown as determined by the
23 Secretary with the recommendation of the Advisory Council. The
24 requirements of this Article are applicable to all managing
25 brokers, and ~~brokers, and salespersons~~ except those managing
26 brokers and brokers ~~salespersons~~ who, during the pre-renewal

1 period:

2 (1) serve in the armed services of the United States;

3 (2) serve as an elected State or federal official;

4 (3) serve as a full-time employee of the Department; or

5 (4) are admitted to practice law pursuant to Illinois
6 Supreme Court rule.

7 (c) (Blank). ~~A person licensed as a salesperson as of April~~
8 ~~30, 2011 shall not be required to complete the 18 hours of~~
9 ~~continuing education for the pre-renewal period ending April~~
10 ~~30, 2012 if that person takes the 30-hour post-licensing course~~
11 ~~to obtain a broker's license. A person licensed as a broker as~~
12 ~~of April 30, 2011 shall not be required to complete the 12~~
13 ~~hours of broker management continuing education for the~~
14 ~~pre-renewal period ending April 30, 2012, unless that person~~
15 ~~passes the proficiency exam provided for in Section 5-47 of~~
16 ~~this Act to qualify for a managing broker's license.~~

17 (d) A person receiving an initial license during the 90
18 days before the renewal date shall not be required to complete
19 the continuing education courses provided for in subsection (b)
20 of this Section as a condition of initial license renewal.

21 (e) The continuing education requirement for ~~salespersons,~~
22 brokers and managing brokers shall consist of a core curriculum
23 and an elective curriculum, to be established by the Advisory
24 Council. In meeting the continuing education requirements of
25 this Act, at least 3 hours per year or their equivalent, 6
26 hours for each two-year pre-renewal period, shall be required

1 to be completed in the core curriculum. In establishing the
2 core curriculum, the Advisory Council shall consider subjects
3 that will educate licensees on recent changes in applicable
4 laws and new laws and refresh the licensee on areas of the
5 license law and the Department policy that the Advisory Council
6 deems appropriate, and any other areas that the Advisory
7 Council deems timely and applicable in order to prevent
8 violations of this Act and to protect the public. In
9 establishing the elective curriculum, the Advisory Council
10 shall consider subjects that cover the various aspects of the
11 practice of real estate that are covered under the scope of
12 this Act. However, the elective curriculum shall not include
13 any offerings referred to in Section 5-85 of this Act.

14 (f) The subject areas of continuing education courses
15 approved by the Advisory Council may include without limitation
16 the following:

- 17 (1) license law and escrow;
- 18 (2) antitrust;
- 19 (3) fair housing;
- 20 (4) agency;
- 21 (5) appraisal;
- 22 (6) property management;
- 23 (7) residential brokerage;
- 24 (8) farm property management;
- 25 (9) rights and duties of sellers, buyers, and brokers;
- 26 (10) commercial brokerage and leasing; and

1 (11) real estate financing.

2 (g) In lieu of credit for those courses listed in
3 subsection (f) of this Section, credit may be earned for
4 serving as a licensed instructor in an approved course of
5 continuing education. The amount of credit earned for teaching
6 a course shall be the amount of continuing education credit for
7 which the course is approved for licensees taking the course.

8 (h) Credit hours may be earned for self-study programs
9 approved by the Advisory Council.

10 (i) A managing broker or broker ~~salesperson~~ may earn credit
11 for a specific continuing education course only once during the
12 prerenewal period.

13 (j) No more than 6 hours of continuing education credit may
14 be taken or earned in one calendar day.

15 (k) To promote the offering of a uniform and consistent
16 course content, the Department may provide for the development
17 of a single broker management course to be offered by all
18 continuing education providers who choose to offer the broker
19 management continuing education course. The Department may
20 contract for the development of the 12-hour broker management
21 continuing education course with an outside vendor or
22 consultant and, if the course is developed in this manner, the
23 Department or the outside consultant shall license the use of
24 that course to all approved continuing education providers who
25 wish to provide the course.

26 (l) Except as specifically provided in this Act, continuing

1 education credit hours may not be earned for completion of pre
2 or post-license courses. The approved 30-hour post-license
3 course for broker licensees shall satisfy the continuing
4 education requirement for the pre-renewal period in which the
5 course is taken. The approved 45-hour brokerage administration
6 and management course shall satisfy the 12-hour broker
7 management continuing education requirement for the
8 pre-renewal period in which the course is taken.

9 (Source: P.A. 97-1002, eff. 8-17-12; 98-531, eff. 8-23-13.)

10 (225 ILCS 454/10-10)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 10-10. Disclosure of compensation.

13 (a) A licensee must disclose to a client the sponsoring
14 broker's compensation and policy with regard to cooperating
15 with brokers who represent other parties in a transaction.

16 (b) A licensee must disclose to a client all sources of
17 compensation related to the transaction received by the
18 licensee from a third party.

19 (c) If a licensee refers a client to a third party in which
20 the licensee has greater than a 1% ownership interest or from
21 which the licensee receives or may receive dividends or other
22 profit sharing distributions, other than a publicly held or
23 traded company, for the purpose of the client obtaining
24 services related to the transaction, then the licensee shall
25 disclose that fact to the client at the time of making the

1 referral.

2 (d) If in any one transaction a sponsoring broker receives
3 compensation from both the buyer and seller or lessee and
4 lessor of real estate, the sponsoring broker shall disclose in
5 writing to a client the fact that the compensation is being
6 paid by both buyer and seller or lessee and lessor.

7 (e) Nothing in the Act shall prohibit the cooperation with
8 or a payment of compensation to a person not domiciled in this
9 State or country who is licensed as a ~~real estate~~ broker in his
10 or her state or country of domicile or to a resident of a
11 country that does not require a person to be licensed to act as
12 a ~~real estate~~ broker if the person complies with the laws of
13 the country in which that person resides and practices there as
14 a ~~real estate~~ broker.

15 (Source: P.A. 91-245, eff. 12-31-99; 92-217, eff. 8-2-01.)

16 (225 ILCS 454/10-15)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 10-15. No compensation to persons in violation of Act;
19 compensation to unlicensed persons; consumer.

20 (a) No compensation may be paid to any unlicensed person in
21 exchange for the person performing licensed activities in
22 violation of this Act.

23 (b) No action or suit shall be instituted, nor recovery
24 therein be had, in any court of this State by any person,
25 partnership, registered limited liability partnership, limited

1 liability company, or corporation for compensation for any act
2 done or service performed, the doing or performing of which is
3 prohibited by this Act to other than licensed managing brokers,
4 brokers, ~~salespersons,~~ or leasing agents unless the person,
5 partnership, registered limited liability partnership, limited
6 liability company, or corporation was duly licensed hereunder
7 as a managing broker, broker, ~~salesperson,~~ or leasing agent
8 under this Act at the time that any such act was done or
9 service performed that would give rise to a cause of action for
10 compensation.

11 (c) A licensee may offer compensation, including prizes,
12 merchandise, services, rebates, discounts, or other
13 consideration to an unlicensed person who is a party to a
14 contract to buy or sell real estate or is a party to a contract
15 for the lease of real estate, so long as the offer complies
16 with the provisions of subdivision (35) of subsection (a) of
17 Section 20-20 of this Act.

18 (d) A licensee may offer cash, gifts, prizes, awards,
19 coupons, merchandise, rebates or chances to win a game of
20 chance, if not prohibited by any other law or statute, to a
21 consumer as an inducement to that consumer to use the services
22 of the licensee even if the licensee and consumer do not
23 ultimately enter into a broker-client relationship so long as
24 the offer complies with the provisions of subdivision (35) of
25 subsection (a) of Section 20-20 of this Act.

26 (Source: P.A. 96-856, eff. 12-31-09.)

1 (225 ILCS 454/15-5)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 15-5. Legislative intent.

4 (a) The General Assembly finds that application of the
5 common law of agency to the relationships among managing real
6 ~~estate~~ brokers and brokers salespersons and consumers of real
7 estate brokerage services has resulted in misunderstandings
8 and consequences that have been contrary to the best interests
9 of the public. The General Assembly further finds that the real
10 estate brokerage industry has a significant impact upon the
11 economy of the State of Illinois and that it is in the best
12 interest of the public to provide codification of the
13 relationships between managing real estate brokers and brokers
14 ~~salespersons~~ and consumers of real estate brokerage services in
15 order to prevent detrimental misunderstandings and
16 misinterpretations of the relationships by consumers, managing
17 ~~real estate~~ brokers, and brokers salespersons and thus promote
18 and provide stability in the real estate market. This Article
19 15 is enacted to govern the relationships between consumers of
20 real estate brokerage services and managing real estate brokers
21 and brokers salespersons to the extent not governed by an
22 individual written agreement between a sponsoring broker and a
23 consumer, providing that there is a relationship other than
24 designated agency. This Article 15 applies to the exclusion of
25 the common law concepts of principal and agent and to the

1 fiduciary duties, which have been applied to managing ~~real~~
2 ~~estate~~ brokers, brokers ~~salespersons~~, and real estate
3 brokerage services.

4 (b) The General Assembly further finds that this Article 15
5 is not intended to prescribe or affect contractual
6 relationships between managing brokers and ~~real estate~~ brokers
7 and the broker's affiliated licensees.

8 (c) This Article 15 may serve as a basis for private rights
9 of action and defenses by sellers, buyers, landlords, tenants,
10 managing brokers, and ~~real estate~~ brokers, ~~and real estate~~
11 ~~salespersons~~. The private rights of action, however, do not
12 extend to the provisions of any other Articles of this Act.

13 (Source: P.A. 91-245, eff. 12-31-99.)

14 (225 ILCS 454/20-10)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 20-10. Unlicensed practice; civil penalty.

17 (a) Any person who practices, offers to practice, attempts
18 to practice, or holds oneself out to practice as a managing
19 ~~real estate~~ broker, broker ~~real estate~~ salesperson, or leasing
20 agent without being licensed under this Act shall, in addition
21 to any other penalty provided by law, pay a civil penalty to
22 the Department in an amount not to exceed \$25,000 for each
23 offense as determined by the Department. The civil penalty
24 shall be assessed by the Department after a hearing is held in
25 accordance with the provisions set forth in this Act regarding

1 the provision of a hearing for the discipline of a license.

2 (b) The Department has the authority and power to
3 investigate any and all unlicensed activity.

4 (c) The civil penalty shall be paid within 60 days after
5 the effective date of the order imposing the civil penalty. The
6 order shall constitute a judgment and may be filed and
7 execution had thereon in the same manner from any court of
8 record.

9 (Source: P.A. 96-856, eff. 12-31-09.)

10 (225 ILCS 454/20-20)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 20-20. Grounds for discipline.

13 (a) The Department may refuse to issue or renew a license,
14 may place on probation, suspend, or revoke any license,
15 reprimand, or take any other disciplinary or non-disciplinary
16 action as the Department may deem proper and impose a fine not
17 to exceed \$25,000 upon any licensee or applicant under this Act
18 or any person who holds himself or herself out as an applicant
19 or licensee or against a licensee in handling his or her own
20 property, whether held by deed, option, or otherwise, for any
21 one or any combination of the following causes:

22 (1) Fraud or misrepresentation in applying for, or
23 procuring, a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (2) The conviction of or plea of guilty or plea of nolo

1 contendere to a felony or misdemeanor in this State or any
2 other jurisdiction; or the entry of an administrative
3 sanction by a government agency in this State or any other
4 jurisdiction. Action taken under this paragraph (2) for a
5 misdemeanor or an administrative sanction is limited to a
6 misdemeanor or administrative sanction that has as an
7 essential element dishonesty or fraud or involves larceny,
8 embezzlement, or obtaining money, property, or credit by
9 false pretenses or by means of a confidence game.

10 (3) Inability to practice the profession with
11 reasonable judgment, skill, or safety as a result of a
12 physical illness, including, but not limited to,
13 deterioration through the aging process or loss of motor
14 skill, or a mental illness or disability.

15 (4) Practice under this Act as a licensee in a retail
16 sales establishment from an office, desk, or space that is
17 not separated from the main retail business by a separate
18 and distinct area within the establishment.

19 (5) Having been disciplined by another state, the
20 District of Columbia, a territory, a foreign nation, or a
21 governmental agency authorized to impose discipline if at
22 least one of the grounds for that discipline is the same as
23 or the equivalent of one of the grounds for which a
24 licensee may be disciplined under this Act. A certified
25 copy of the record of the action by the other state or
26 jurisdiction shall be prima facie evidence thereof.

1 (6) Engaging in the practice of real estate brokerage
2 without a license or after the licensee's license was
3 expired or while the license was inoperative.

4 (7) Cheating on or attempting to subvert the Real
5 Estate License Exam or continuing education exam.

6 (8) Aiding or abetting an applicant to subvert or cheat
7 on the Real Estate License Exam or continuing education
8 exam administered pursuant to this Act.

9 (9) Advertising that is inaccurate, misleading, or
10 contrary to the provisions of the Act.

11 (10) Making any substantial misrepresentation or
12 untruthful advertising.

13 (11) Making any false promises of a character likely to
14 influence, persuade, or induce.

15 (12) Pursuing a continued and flagrant course of
16 misrepresentation or the making of false promises through
17 licensees, employees, agents, advertising, or otherwise.

18 (13) Any misleading or untruthful advertising, or
19 using any trade name or insignia of membership in any real
20 estate organization of which the licensee is not a member.

21 (14) Acting for more than one party in a transaction
22 without providing written notice to all parties for whom
23 the licensee acts.

24 (15) Representing or attempting to represent a broker
25 other than the sponsoring broker.

26 (16) Failure to account for or to remit any moneys or

1 documents coming into his or her possession that belong to
2 others.

3 (17) Failure to maintain and deposit in a special
4 account, separate and apart from personal and other
5 business accounts, all escrow moneys belonging to others
6 entrusted to a licensee while acting as a ~~real estate~~
7 broker, escrow agent, or temporary custodian of the funds
8 of others or failure to maintain all escrow moneys on
9 deposit in the account until the transactions are
10 consummated or terminated, except to the extent that the
11 moneys, or any part thereof, shall be:

12 (A) disbursed prior to the consummation or
13 termination (i) in accordance with the written
14 direction of the principals to the transaction or their
15 duly authorized agents, (ii) in accordance with
16 directions providing for the release, payment, or
17 distribution of escrow moneys contained in any written
18 contract signed by the principals to the transaction or
19 their duly authorized agents, or (iii) pursuant to an
20 order of a court of competent jurisdiction; or

21 (B) deemed abandoned and transferred to the Office
22 of the State Treasurer to be handled as unclaimed
23 property pursuant to the Uniform Disposition of
24 Unclaimed Property Act. Escrow moneys may be deemed
25 abandoned under this subparagraph (B) only: (i) in the
26 absence of disbursement under subparagraph (A); (ii)

1 in the absence of notice of the filing of any claim in
2 a court of competent jurisdiction; and (iii) if 6
3 months have elapsed after the receipt of a written
4 demand for the escrow moneys from one of the principals
5 to the transaction or the principal's duly authorized
6 agent.

7 The account shall be noninterest bearing, unless the
8 character of the deposit is such that payment of interest
9 thereon is otherwise required by law or unless the
10 principals to the transaction specifically require, in
11 writing, that the deposit be placed in an interest bearing
12 account.

13 (18) Failure to make available to the Department all
14 escrow records and related documents maintained in
15 connection with the practice of real estate within 24 hours
16 of a request for those documents by Department personnel.

17 (19) Failing to furnish copies upon request of
18 documents relating to a real estate transaction to a party
19 who has executed that document.

20 (20) Failure of a sponsoring broker to timely provide
21 information, sponsor cards, or termination of licenses to
22 the Department.

23 (21) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (22) Commingling the money or property of others with

1 his or her own money or property.

2 (23) Employing any person on a purely temporary or
3 single deal basis as a means of evading the law regarding
4 payment of commission to nonlicensees on some contemplated
5 transactions.

6 (24) Permitting the use of his or her license as a
7 broker to enable a leasing agent ~~salesperson~~ or unlicensed
8 person to operate a real estate business without actual
9 participation therein and control thereof by the broker.

10 (25) Any other conduct, whether of the same or a
11 different character from that specified in this Section,
12 that constitutes dishonest dealing.

13 (26) Displaying a "for rent" or "for sale" sign on any
14 property without the written consent of an owner or his or
15 her duly authorized agent or advertising by any means that
16 any property is for sale or for rent without the written
17 consent of the owner or his or her authorized agent.

18 (27) Failing to provide information requested by the
19 Department, or otherwise respond to that request, within 30
20 days of the request.

21 (28) Advertising by means of a blind advertisement,
22 except as otherwise permitted in Section 10-30 of this Act.

23 (29) Offering guaranteed sales plans, as defined in
24 clause (A) of this subdivision (29), except to the extent
25 hereinafter set forth:

26 (A) A "guaranteed sales plan" is any real estate

1 purchase or sales plan whereby a licensee enters into a
2 conditional or unconditional written contract with a
3 seller, prior to entering into a brokerage agreement
4 with the seller, by the terms of which a licensee
5 agrees to purchase a property of the seller within a
6 specified period of time at a specific price in the
7 event the property is not sold in accordance with the
8 terms of a brokerage agreement to be entered into
9 between the sponsoring broker and the seller.

10 (B) A licensee offering a guaranteed sales plan
11 shall provide the details and conditions of the plan in
12 writing to the party to whom the plan is offered.

13 (C) A licensee offering a guaranteed sales plan
14 shall provide to the party to whom the plan is offered
15 evidence of sufficient financial resources to satisfy
16 the commitment to purchase undertaken by the broker in
17 the plan.

18 (D) Any licensee offering a guaranteed sales plan
19 shall undertake to market the property of the seller
20 subject to the plan in the same manner in which the
21 broker would market any other property, unless the
22 agreement with the seller provides otherwise.

23 (E) The licensee cannot purchase seller's property
24 until the brokerage agreement has ended according to
25 its terms or is otherwise terminated.

26 (F) Any licensee who fails to perform on a

1 guaranteed sales plan in strict accordance with its
2 terms shall be subject to all the penalties provided in
3 this Act for violations thereof and, in addition, shall
4 be subject to a civil fine payable to the party injured
5 by the default in an amount of up to \$25,000.

6 (30) Influencing or attempting to influence, by any
7 words or acts, a prospective seller, purchaser, occupant,
8 landlord, or tenant of real estate, in connection with
9 viewing, buying, or leasing real estate, so as to promote
10 or tend to promote the continuance or maintenance of
11 racially and religiously segregated housing or so as to
12 retard, obstruct, or discourage racially integrated
13 housing on or in any street, block, neighborhood, or
14 community.

15 (31) Engaging in any act that constitutes a violation
16 of any provision of Article 3 of the Illinois Human Rights
17 Act, whether or not a complaint has been filed with or
18 adjudicated by the Human Rights Commission.

19 (32) Inducing any party to a contract of sale or lease
20 or brokerage agreement to break the contract of sale or
21 lease or brokerage agreement for the purpose of
22 substituting, in lieu thereof, a new contract for sale or
23 lease or brokerage agreement with a third party.

24 (33) Negotiating a sale, exchange, or lease of real
25 estate directly with any person if the licensee knows that
26 the person has an exclusive brokerage agreement with

1 another broker, unless specifically authorized by that
2 broker.

3 (34) When a licensee is also an attorney, acting as the
4 attorney for either the buyer or the seller in the same
5 transaction in which the licensee is acting or has acted as
6 a managing broker or broker ~~salesperson~~.

7 (35) Advertising or offering merchandise or services
8 as free if any conditions or obligations necessary for
9 receiving the merchandise or services are not disclosed in
10 the same advertisement or offer. These conditions or
11 obligations include without limitation the requirement
12 that the recipient attend a promotional activity or visit a
13 real estate site. As used in this subdivision (35), "free"
14 includes terms such as "award", "prize", "no charge", "free
15 of charge", "without charge", and similar words or phrases
16 that reasonably lead a person to believe that he or she may
17 receive or has been selected to receive something of value,
18 without any conditions or obligations on the part of the
19 recipient.

20 (36) Disregarding or violating any provision of the
21 Land Sales Registration Act of 1989, the Illinois Real
22 Estate Time-Share Act, or the published rules promulgated
23 by the Department to enforce those Acts.

24 (37) Violating the terms of a disciplinary order issued
25 by the Department.

26 (38) Paying or failing to disclose compensation in

1 violation of Article 10 of this Act.

2 (39) Requiring a party to a transaction who is not a
3 client of the licensee to allow the licensee to retain a
4 portion of the escrow moneys for payment of the licensee's
5 commission or expenses as a condition for release of the
6 escrow moneys to that party.

7 (40) Disregarding or violating any provision of this
8 Act or the published rules promulgated by the Department to
9 enforce this Act or aiding or abetting any individual,
10 partnership, registered limited liability partnership,
11 limited liability company, or corporation in disregarding
12 any provision of this Act or the published rules
13 promulgated by the Department to enforce this Act.

14 (41) Failing to provide the minimum services required
15 by Section 15-75 of this Act when acting under an exclusive
16 brokerage agreement.

17 (42) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 that results in a managing broker, broker, ~~salesperson~~, or
20 leasing agent's inability to practice with reasonable
21 skill or safety.

22 (43) Enabling, aiding, or abetting an auctioneer, as
23 defined in the Auction License Act, to conduct a real
24 estate auction in a manner that is in violation of this
25 Act.

26 (b) The Department may refuse to issue or renew or may

1 suspend the license of any person who fails to file a return,
2 pay the tax, penalty or interest shown in a filed return, or
3 pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Department of
5 Revenue, until such time as the requirements of that tax Act
6 are satisfied in accordance with subsection (g) of Section
7 2105-15 of the Civil Administrative Code of Illinois.

8 (c) The Department shall deny a license or renewal
9 authorized by this Act to a person who has defaulted on an
10 educational loan or scholarship provided or guaranteed by the
11 Illinois Student Assistance Commission or any governmental
12 agency of this State in accordance with item (5) of subsection
13 (a) of Section 2105-15 of the Civil Administrative Code of
14 Illinois.

15 (d) In cases where the Department of Healthcare and Family
16 Services (formerly Department of Public Aid) has previously
17 determined that a licensee or a potential licensee is more than
18 30 days delinquent in the payment of child support and has
19 subsequently certified the delinquency to the Department may
20 refuse to issue or renew or may revoke or suspend that person's
21 license or may take other disciplinary action against that
22 person based solely upon the certification of delinquency made
23 by the Department of Healthcare and Family Services in
24 accordance with item (5) of subsection (a) of Section 2105-15
25 of the Civil Administrative Code of Illinois.

26 (e) In enforcing this Section, the Department or Board upon

1 a showing of a possible violation may compel an individual
2 licensed to practice under this Act, or who has applied for
3 licensure under this Act, to submit to a mental or physical
4 examination, or both, as required by and at the expense of the
5 Department. The Department or Board may order the examining
6 physician to present testimony concerning the mental or
7 physical examination of the licensee or applicant. No
8 information shall be excluded by reason of any common law or
9 statutory privilege relating to communications between the
10 licensee or applicant and the examining physician. The
11 examining physicians shall be specifically designated by the
12 Board or Department. The individual to be examined may have, at
13 his or her own expense, another physician of his or her choice
14 present during all aspects of this examination. Failure of an
15 individual to submit to a mental or physical examination, when
16 directed, shall be grounds for suspension of his or her license
17 until the individual submits to the examination if the
18 Department finds, after notice and hearing, that the refusal to
19 submit to the examination was without reasonable cause.

20 If the Department or Board finds an individual unable to
21 practice because of the reasons set forth in this Section, the
22 Department or Board may require that individual to submit to
23 care, counseling, or treatment by physicians approved or
24 designated by the Department or Board, as a condition, term, or
25 restriction for continued, reinstated, or renewed licensure to
26 practice; or, in lieu of care, counseling, or treatment, the

1 Department may file, or the Board may recommend to the
2 Department to file, a complaint to immediately suspend, revoke,
3 or otherwise discipline the license of the individual. An
4 individual whose license was granted, continued, reinstated,
5 renewed, disciplined or supervised subject to such terms,
6 conditions, or restrictions, and who fails to comply with such
7 terms, conditions, or restrictions, shall be referred to the
8 Secretary for a determination as to whether the individual
9 shall have his or her license suspended immediately, pending a
10 hearing by the Department.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 30 days after
14 the suspension and completed without appreciable delay. The
15 Department and Board shall have the authority to review the
16 subject individual's record of treatment and counseling
17 regarding the impairment to the extent permitted by applicable
18 federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department or Board that he or she can resume practice in
23 compliance with acceptable and prevailing standards under the
24 provisions of his or her license.

25 (Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12;
26 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

1 (225 ILCS 454/20-21)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 20-21. Injunctions; cease and desist order.

4 (a) If any person violates the provisions of this Act, the
5 Secretary may, in the name of the People of the State of
6 Illinois, through the Attorney General of the State of Illinois
7 or the State's Attorney for any county in which the action is
8 brought, petition for an order enjoining the violation or for
9 an order enforcing compliance with this Act. Upon the filing of
10 a verified petition in court, the court may issue a temporary
11 restraining order, without notice or condition, and may
12 preliminarily and permanently enjoin the violation. If it is
13 established that the person has violated or is violating the
14 injunction, the Court may punish the offender for contempt of
15 court. Proceedings under this Section shall be in addition to,
16 and not in lieu of, all other remedies and penalties provided
17 by this Act.

18 (b) Whenever in the opinion of the Department a person
19 violates a provision of this Act, the Department may issue a
20 ruling to show cause why an order to cease and desist should
21 not be entered against that person. The rule shall clearly set
22 forth the grounds relied upon by the Department and shall allow
23 at least 7 days from the date of the rule to file an answer to
24 the satisfaction of the Department. Failure to answer to the
25 satisfaction of the Department shall cause an order to cease

1 and desist to be issued immediately.

2 (c) Other than as provided in Section 5-20 of this Act, if
3 any person practices as a managing ~~real estate~~ broker, broker,
4 ~~real estate salesperson~~ or leasing agent or holds himself or
5 herself out as a licensed sponsoring broker, managing broker,
6 ~~real estate~~ broker, ~~real estate salesperson~~ or leasing agent
7 under this Act without being issued a valid existing license by
8 the Department, then any licensed sponsoring broker, managing
9 broker, ~~real estate~~ broker, ~~real estate salesperson~~, leasing
10 agent, any interested party, or any person injured thereby may,
11 in addition to the Secretary, petition for relief as provided
12 in subsection (a) of this Section.

13 (Source: P.A. 96-856, eff. 12-31-09.)

14 (225 ILCS 454/20-22)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 20-22. Violations. Any person who is found working or
17 acting as a managing broker, ~~real estate~~ broker, ~~real estate~~
18 ~~salesperson~~, or leasing agent or holding himself or herself out
19 as a licensed sponsoring broker, managing broker, ~~real estate~~
20 broker, ~~real estate salesperson~~, or leasing agent without being
21 issued a valid existing license is guilty of a Class A
22 misdemeanor and on conviction of a second or subsequent offense
23 the violator shall be guilty of a Class 4 felony.

24 (Source: P.A. 96-856, eff. 12-31-09.)

1 (225 ILCS 454/20-85)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 20-85. Recovery from Real Estate Recovery Fund. The
4 Department shall maintain a Real Estate Recovery Fund from
5 which any person aggrieved by an act, representation,
6 transaction, or conduct of a licensee or unlicensed employee of
7 a licensee that is in violation of this Act or the rules
8 promulgated pursuant thereto, constitutes embezzlement of
9 money or property, or results in money or property being
10 unlawfully obtained from any person by false pretenses,
11 artifice, trickery, or forgery or by reason of any fraud,
12 misrepresentation, discrimination, or deceit by or on the part
13 of any such licensee or the unlicensed employee of a licensee
14 and that results in a loss of actual cash money, as opposed to
15 losses in market value, rent, or security deposits, may
16 recover. The aggrieved person may recover, by a post-judgment
17 order of the circuit court of the county where the violation
18 occurred in a proceeding described in Section 20-90 of this
19 Act, an amount of not more than \$25,000 from the Fund for
20 damages sustained by the act, representation, transaction, or
21 conduct, together with costs of suit and attorney's fees
22 incurred in connection therewith of not to exceed 15% of the
23 amount of the recovery ordered paid from the Fund. However, no
24 person licensee may recover from the Fund unless the court
25 finds that the person suffered a loss resulting from
26 intentional misconduct. The post-judgment order shall not

1 include interest on the judgment. The maximum liability against
2 the Fund arising out of any one act shall be as provided in
3 this Section, and the post-judgment order shall spread the
4 award equitably among all co-owners or otherwise aggrieved
5 persons, if any. The maximum liability against the Fund arising
6 out of the activities of any one licensee or one unlicensed
7 employee of a licensee, since January 1, 1974, shall be
8 \$100,000. Nothing in this Section shall be construed to
9 authorize recovery from the Fund unless the loss of the
10 aggrieved person results from an act or omission of a licensee
11 under this Act who was at the time of the act or omission
12 acting in such capacity or was apparently acting in such
13 capacity or their unlicensed employee and unless the aggrieved
14 person has obtained a valid judgment and post-judgment order of
15 the court as provided for in Section 20-90 of this Act. No
16 person aggrieved by an act, representation, or transaction that
17 is in violation of the Illinois Real Estate Time-Share Act or
18 the Land Sales Registration Act of 1989 may recover from the
19 Fund.

20 (Source: P.A. 96-856, eff. 12-31-09; 97-1002, eff. 8-17-12.)

21 (225 ILCS 454/25-10)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 25-10. Real Estate Administration and Disciplinary
24 Board; duties. There is created the Real Estate Administration
25 and Disciplinary Board. The Board shall be composed of 9

1 persons appointed by the Governor. Members shall be appointed
2 to the Board subject to the following conditions:

3 (1) All members shall have been residents and citizens
4 of this State for at least 6 years prior to the date of
5 appointment.

6 (2) Six members shall have been actively engaged as
7 managing brokers or brokers ~~salespersons~~ or both for at
8 least the 10 years prior to the appointment.

9 (3) Three members of the Board shall be public members
10 who represent consumer interests.

11 None of these members shall be (i) a person who is licensed
12 under this Act or a similar Act of another jurisdiction, (ii)
13 the spouse or family member of a licensee, (iii) a person who
14 has an ownership interest in a real estate brokerage business,
15 or (iv) a person the Department determines to have any other
16 connection with a real estate brokerage business or a licensee.
17 The members' terms shall be 4 years or until their successor is
18 appointed, and the expiration of their terms shall be
19 staggered. Appointments to fill vacancies shall be for the
20 unexpired portion of the term. The membership of the Board
21 should reasonably reflect the geographic distribution of the
22 licensee population in this State. In making the appointments,
23 the Governor shall give due consideration to the
24 recommendations by members and organizations of the
25 profession. The Governor may terminate the appointment of any
26 member for cause that in the opinion of the Governor reasonably

1 justifies the termination. Cause for termination shall include
2 without limitation misconduct, incapacity, neglect of duty, or
3 missing 4 board meetings during any one calendar year. Each
4 member of the Board may receive a per diem stipend in an amount
5 to be determined by the Secretary. Each member shall be paid
6 his or her necessary expenses while engaged in the performance
7 of his or her duties. Such compensation and expenses shall be
8 paid out of the Real Estate License Administration Fund. The
9 Secretary shall consider the recommendations of the Board on
10 questions involving standards of professional conduct,
11 discipline, and examination of candidates under this Act. The
12 Department, after notifying and considering the
13 recommendations of the Board, if any, may issue rules,
14 consistent with the provisions of this Act, for the
15 administration and enforcement thereof and may prescribe forms
16 that shall be used in connection therewith. Five Board members
17 shall constitute a quorum. A quorum is required for all Board
18 decisions.

19 (Source: P.A. 98-1109, eff. 1-1-15.)

20 (225 ILCS 454/25-25)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 25-25. Real Estate Research and Education Fund. A
23 special fund to be known as the Real Estate Research and
24 Education Fund is created and shall be held in trust in the
25 State Treasury. Annually, on September 15th, the State

1 Treasurer shall cause a transfer of \$125,000 to the Real Estate
2 Research and Education Fund from the Real Estate License
3 Administration Fund. The Real Estate Research and Education
4 Fund shall be administered by the Department. Money deposited
5 in the Real Estate Research and Education Fund may be used for
6 research and education at state institutions of higher
7 education or other organizations for research and the
8 advancement of education in the real estate industry. Of the
9 \$125,000 annually transferred into the Real Estate Research and
10 Education Fund, \$15,000 shall be used to fund a scholarship
11 program for persons of minority racial origin who wish to
12 pursue a course of study in the field of real estate. For the
13 purposes of this Section, "course of study" means a course or
14 courses that are part of a program of courses in the field of
15 real estate designed to further an individual's knowledge or
16 expertise in the field of real estate. These courses shall
17 include without limitation ~~courses that a salesperson licensed~~
18 ~~under this Act must complete to qualify for a real estate~~
19 ~~broker's license,~~ courses that a broker licensed under this Act
20 must complete to qualify for a managing broker's license,
21 courses required to obtain the Graduate Realtors Institute
22 designation, and any other courses or programs offered by
23 accredited colleges, universities, or other institutions of
24 higher education in Illinois. The scholarship program shall be
25 administered by the Department or its designee. Moneys in the
26 Real Estate Research and Education Fund may be invested and

1 reinvested in the same manner as funds in the Real Estate
2 Recovery Fund and all earnings, interest, and dividends
3 received from such investments shall be deposited in the Real
4 Estate Research and Education Fund and may be used for the same
5 purposes as moneys transferred to the Real Estate Research and
6 Education Fund. Moneys in the Real Estate Research and
7 Education Fund may be transferred to the Professions Indirect
8 Cost Fund as authorized under Section 2105-300 of the
9 Department of Professional Regulation Law of the Civil
10 Administrative Code of Illinois.

11 (Source: P.A. 96-856, eff. 12-31-09.)

12 (225 ILCS 454/30-15)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 30-15. Licensing of continuing education schools;
15 approval of courses.

16 (a) Only continuing education schools in possession of a
17 valid continuing education school license may provide real
18 estate continuing education courses that will satisfy the
19 requirements of this Act. Pre-license schools licensed to offer
20 pre-license education courses for ~~salespersons,~~ brokers and
21 managing brokers shall qualify for a continuing education
22 school license upon completion of an application and the
23 submission of the required fee. Every entity that desires to
24 obtain a continuing education school license shall make
25 application to the Department in writing in forms prescribed by

1 the Department and pay the fee prescribed by rule. In addition
2 to any other information required to be contained in the
3 application, every application for an original or renewed
4 license shall include the applicant's Social Security number.

5 (b) The criteria for a continuing education license shall
6 include the following:

7 (1) A sound financial base for establishing,
8 promoting, and delivering the necessary courses. Budget
9 planning for the School's courses should be clearly
10 projected.

11 (2) A sufficient number of qualified, licensed
12 instructors as provided by rule.

13 (3) Adequate support personnel to assist with
14 administrative matters and technical assistance.

15 (4) Maintenance and availability of records of
16 participation for licensees.

17 (5) The ability to provide each participant who
18 successfully completes an approved program with a
19 certificate of completion signed by the administrator of a
20 licensed continuing education school on forms provided by
21 the Department.

22 (6) The continuing education school must have a written
23 policy dealing with procedures for the management of
24 grievances and fee refunds.

25 (7) The continuing education school shall maintain
26 lesson plans and examinations for each course.

1 (8) The continuing education school shall require a 70%
2 passing grade for successful completion of any continuing
3 education course.

4 (9) The continuing education school shall identify and
5 use instructors who will teach in a planned program.
6 Suggested criteria for instructor selections include:

7 (A) appropriate credentials;

8 (B) competence as a teacher;

9 (C) knowledge of content area; and

10 (D) qualification by experience.

11 (10) The continuing education school shall provide a
12 proctor or an electronic means of proctoring for each
13 examination. The continuing education school shall be
14 responsible for the conduct of the proctor. The duties and
15 responsibilities of a proctor shall be established by rule.

16 (11) The continuing education school must provide for
17 closed book examinations for each course unless the
18 Advisory Council excuses this requirement based on the
19 complexity of the course material.

20 (c) Advertising and promotion of continuing education
21 activities must be carried out in a responsible fashion,
22 clearly showing the educational objectives of the activity, the
23 nature of the audience that may benefit from the activity, the
24 cost of the activity to the participant and the items covered
25 by the cost, the amount of credit that can be earned, and the
26 credentials of the faculty.

1 (d) The Department may or upon request of the Advisory
2 Council shall, after notice, cause a continuing education
3 school to attend an informal conference before the Advisory
4 Council for failure to comply with any requirement for
5 licensure or for failure to comply with any provision of this
6 Act or the rules for the administration of this Act. The
7 Advisory Council shall make a recommendation to the Board as a
8 result of its findings at the conclusion of any such informal
9 conference.

10 (e) All continuing education schools shall maintain these
11 minimum criteria and pay the required fee in order to retain
12 their continuing education school license.

13 (f) All continuing education schools shall submit, at the
14 time of initial application and with each license renewal, a
15 list of courses with course materials to be offered by the
16 continuing education school. The Department, however, shall
17 establish a mechanism whereby continuing education schools may
18 apply for and obtain approval for continuing education courses
19 that are submitted after the time of initial application or
20 renewal. The Department shall provide to each continuing
21 education school a certificate for each approved continuing
22 education course. All continuing education courses shall be
23 valid for the period coinciding with the term of license of the
24 continuing education school. All continuing education schools
25 shall provide a copy of the certificate of the continuing
26 education course within the course materials given to each

1 student or shall display a copy of the certificate of the
2 continuing education course in a conspicuous place at the
3 location of the class.

4 (g) Each continuing education school shall provide to the
5 Department a monthly report in a format determined by the
6 Department, with information concerning students who
7 successfully completed all approved continuing education
8 courses offered by the continuing education school for the
9 prior month.

10 (h) The Department, upon the recommendation of the Advisory
11 Council, may temporarily suspend a licensed continuing
12 education school's approved courses without hearing and refuse
13 to accept successful completion of or participation in any of
14 these continuing education courses for continuing education
15 credit from that school upon the failure of that continuing
16 education school to comply with the provisions of this Act or
17 the rules for the administration of this Act, until such time
18 as the Department receives satisfactory assurance of
19 compliance. The Department shall notify the continuing
20 education school of the noncompliance and may initiate
21 disciplinary proceedings pursuant to this Act. The Department
22 may refuse to issue, suspend, revoke, or otherwise discipline
23 the license of a continuing education school or may withdraw
24 approval of a continuing education course for good cause.
25 Failure to comply with the requirements of this Section or any
26 other requirements established by rule shall be deemed to be

1 good cause. Disciplinary proceedings shall be conducted by the
2 Board in the same manner as other disciplinary proceedings
3 under this Act.

4 (Source: P.A. 96-856, eff. 12-31-09.)

5 (225 ILCS 454/35-5)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 35-5. Savings provisions.

8 (a) This Act is intended to replace the Real Estate License
9 Act of 1983 in all respects.

10 (b) The ~~Beginning December 31, 1999,~~ the rights, powers,
11 and duties exercised by the Office of Banks and Real Estate
12 under the Real Estate License Act of 1983 shall continue to be
13 vested in, be the obligation of, and shall be exercised by the
14 Division of Real Estate of the Department of Financial and
15 Professional Regulation ~~Office of Banks and Real Estate~~ under
16 the provisions of this Act.

17 (c) This Act does not affect any act done, ratified, or
18 cancelled, or any right occurring or established, or any action
19 or proceeding had or commenced in an administrative, civil, or
20 criminal cause before December 31, 1999, by the Office of Banks
21 and Real Estate under the Real Estate License Act of 1983, and
22 those actions or proceedings may be prosecuted and continued by
23 the Division of Real Estate of the Department of Financial and
24 Professional Regulation ~~Office of Banks and Real Estate~~ under
25 this Act.

1 (d) This Act does not affect any license, certificate,
2 permit, or other form of licensure or authorization issued by
3 the Office of Banks and Real Estate under the Real Estate
4 License Act of 1983 or by the Division of Professional
5 Regulation of the Department of Financial and Professional
6 Regulation under this Act, and all such licenses, certificates,
7 permits, or other form of licensure or authorization shall
8 continue to be valid under the terms and conditions of this
9 Act.

10 (e) The rules adopted by the Office of Banks and Real
11 Estate relating to the Real Estate License Act of 1983, unless
12 inconsistent with the provisions of this Act, are not affected
13 by this Act, and on December 31, 1999 those rules become the
14 rules under this Act. The Office of Banks and Real Estate
15 shall, as soon as practicable, adopt new or amended rules
16 consistent with the provisions of this Act.

17 (f) This Act does not affect any discipline, suspension, or
18 termination taken under the Real Estate License Act of 1983 and
19 that discipline, suspension, or termination shall be continued
20 under this Act.

21 (g) This Act does not affect any appointments, term
22 limitations, years served, or other matters relating to
23 individuals serving on any board or council under the Real
24 Estate License Act of 1983, and these appointments, term
25 limitations, years served, and other matters shall be continued
26 under this Act.

1 (Source: P.A. 91-245, eff. 12-31-99.)

2 (225 ILCS 454/5-46 rep.)

3 (225 ILCS 454/5-47 rep.)

4 Section 929. The Real Estate License Act of 2000 is amended
5 by repealing Sections 5-46 and 5-47.

6 Section 930. The Professional Service Corporation Act is
7 amended by changing Sections 2, 3.1, 3.2, 3.6, 12, 12.1, and 13
8 and by adding Sections 13.5 and 15.5 as follows:

9 (805 ILCS 10/2) (from Ch. 32, par. 415-2)

10 Sec. 2. It is the legislative intent to provide for the
11 incorporation of an individual or group of individuals to
12 render the same professional service or related professional
13 services to the public for which such individuals are required
14 by law to be licensed or to obtain other legal authorization,
15 while preserving the established professional aspects of the
16 personal relationship between the professional person and
17 those he or she serves professionally.

18 (Source: P.A. 78-783.)

19 (805 ILCS 10/3.1) (from Ch. 32, par. 415-3.1)

20 Sec. 3.1. "Ancillary personnel" means such person acting in
21 their customary capacities, employed by those rendering a
22 professional service who:

1 (1) Are not licensed to engage in the category of
2 professional service for which a professional corporation was
3 formed; and

4 (2) Work at the direction or under the supervision of those
5 who are so licensed; and

6 (3) Do not hold themselves out to the public generally as
7 being authorized to engage in the practice of the profession
8 for which the corporation is licensed; and

9 (4) Are not prohibited by the regulating ~~licensing~~
10 authority, regulating the category of professional service
11 rendered by the corporation from being so employed and includes
12 clerks, secretaries, technicians and other assistants who are
13 not usually and ordinarily considered by custom and practice to
14 be rendering the professional services for which the
15 corporation was formed.

16 (Source: P.A. 77-565.)

17 (805 ILCS 10/3.2) (from Ch. 32, par. 415-3.2)

18 Sec. 3.2. "Regulating authority" means ~~the State board,~~
19 ~~department, agency or~~ the Supreme Court of Illinois (in the
20 case of attorneys at law), the Department of Financial and
21 Professional Regulation, or other State board, department, or
22 agency having jurisdiction to grant a license to render the
23 category of professional service for which a professional
24 corporation has been organized, or ~~or~~ the United States Patent
25 Office, or the Internal Revenue Service of the United States

1 Treasury Department.

2 (Source: P.A. 78-561.)

3 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

4 Sec. 3.6. "Related professions" and "related professional
5 services" mean more than one personal service which requires as
6 a condition precedent to the rendering thereof the obtaining of
7 a license and which prior to October 1, 1973 could not be
8 performed by a corporation by reason of law; provided, however,
9 that these terms shall be restricted to:

10 (1) a combination of 2 ~~two~~ or more of the following
11 personal services: (a) "architecture" as defined in
12 Section 5 of the Illinois Architecture Practice Act of
13 1989, (b) "professional engineering" as defined in Section
14 4 of the Professional Engineering Practice Act of 1989, (c)
15 "structural engineering" as defined in Section 5 of the
16 Structural Engineering Practice Act of 1989, (d) "land
17 surveying" as defined in Section 2 of the Illinois
18 Professional Land Surveyor Act of 1989; ~~or~~

19 (2) a combination of the following personal services:
20 (a) the practice of medicine by persons licensed under the
21 Medical Practice Act of 1987, (b) the practice of podiatry
22 as defined in ~~Section 5 of~~ the Podiatric Medical Practice
23 Act of 1987, (c) the practice of dentistry as defined in
24 the Illinois Dental Practice Act, (d) the practice of
25 optometry as defined in the Illinois Optometric Practice

1 Act of 1987; –

2 (3) a combination of 2 or more of the following
3 personal services: (a) the practice of clinical psychology
4 by persons licensed under the Clinical Psychologist
5 Licensing Act, (b) the practice of social work or clinical
6 social work by persons licensed under the Clinical Social
7 Work and Social Work Practice Act, (c) the practice of
8 marriage and family therapy by persons licensed under the
9 Marriage and Family Therapy Licensing Act, (d) the practice
10 of professional counseling or clinical professional
11 counseling by persons licensed under the Professional
12 Counselor and Clinical Professional Counselor Licensing
13 and Practice Act, or (e) the practice of sex offender
14 evaluations by persons licensed under the Sex Offender
15 Evaluation and Treatment Provider Act; or

16 (4) a combination of 2 or more of the following
17 personal services: (a) the practice of acupuncture by
18 persons licensed under the Acupuncture Practice Act, (b)
19 the practice of massage by persons licensed under the
20 Massage Licensing Act, (c) the practice of naprapathy by
21 persons licensed under the Naprapathic Practice Act, (d)
22 the practice of occupational therapy by persons licensed
23 under the Illinois Occupational Therapy Practice Act, or
24 (e) the practice of physical therapy by persons licensed
25 under the Illinois Physical Therapy Act.

26 (Source: P.A. 95-738, eff. 1-1-09.)

1 (805 ILCS 10/12) (from Ch. 32, par. 415-12)

2 Sec. 12. (a) No corporation shall open, operate or maintain
3 an establishment for any of the purposes for which a
4 corporation may be organized under this Act without a
5 certificate of registration from the regulating authority
6 authorized by law to license individuals to engage in the
7 profession or related professions concerned. Application for
8 such registration shall be made in writing, and shall contain
9 the name and primary mailing address of the corporation, the
10 name and address of the corporation's registered agent, the
11 address of the practice location maintained by the corporation,
12 each assumed name being used by the corporation, and such other
13 information as may be required by the regulating authority. All
14 official correspondence from the regulating authority shall be
15 mailed to the primary mailing address of the corporation except
16 that the corporation may elect to have renewal and non-renewal
17 notices sent to the registered agent of the corporation. Upon
18 receipt of such application, the regulating authority, or some
19 administrative agency of government designated by it, shall
20 make an investigation of the corporation. If the regulating
21 authority is the Supreme Court it may designate the bar or
22 legal association which investigates and prefers charges
23 against lawyers to it for disciplining. If such authority finds
24 that the incorporators, officers, directors and shareholders
25 are each licensed pursuant to the laws of Illinois to engage in

1 the particular profession or related professions involved
2 (except that the secretary of the corporation need not be so
3 licensed), and if no disciplinary action is pending before it
4 against any of them, and if it appears that the corporation
5 will be conducted in compliance with the law and the
6 regulations and rules of the regulating authority, such
7 authority, shall issue, upon payment of a registration fee of
8 \$50, a certificate of registration.

9 A separate application shall be submitted for each business
10 location in Illinois. If the corporation is using more than one
11 fictitious or assumed name and has an address different from
12 that of the parent company, a separate application shall be
13 submitted for each fictitious or assumed name.

14 Upon written application of the holder, the regulating
15 authority which originally issued the certificate of
16 registration shall renew the certificate if it finds that the
17 corporation has complied with its regulations and the
18 provisions of this Act.

19 The fee for the renewal of a certificate of registration
20 shall be calculated at the rate of \$40 per year.

21 The certificate of registration shall be conspicuously
22 posted upon the premises to which it is applicable, ~~and the~~
23 ~~professional corporation shall have only those offices which~~
24 ~~are designated by street address in the articles of~~
25 ~~incorporation, or as changed by amendment of such articles.~~ No
26 certificate of registration shall be assignable.

1 (b) Moneys collected under this Section from a professional
2 corporation organized to practice law shall be deposited into
3 the Supreme Court Special Purposes Fund.

4 (c) After the effective date of this amendatory Act of the
5 98th General Assembly, the amount of any fee collected under
6 this Section from a professional corporation organized to
7 practice law may be set by Supreme Court rule, except that the
8 amount of the fees shall remain as set by statute until the
9 Supreme Court adopts rules specifying a higher or lower fee
10 amount.

11 (Source: P.A. 98-324, eff. 10-1-13.)

12 (805 ILCS 10/12.1) (from Ch. 32, par. 415-12.1)

13 Sec. 12.1. Any corporation which on 2 occasions issues or
14 delivers a check or other order to the Department of Financial
15 and Professional Regulation which is not honored by the
16 financial institution upon which it is drawn because of
17 insufficient funds on account, shall pay to the Department, in
18 addition to the amount owing upon such check or other order, a
19 fee of \$50. If such check or other order was issued or
20 delivered in payment of a renewal fee and the corporation whose
21 certificate of registration has lapsed continues to practice as
22 a corporation without paying the renewal fee and the \$50 fee
23 required under this Section, an additional fee of \$100 shall be
24 imposed for practicing without a current license. The
25 Department shall notify the corporation whose certificate of

1 registration has lapsed, within 30 days after the discovery by
2 the Department that such corporation is operating without a
3 current certificate, that the corporation is operating without
4 a certificate, and of the amount due to the Department, which
5 shall include the lapsed renewal fee and all other fees
6 required by this Section. If after the expiration of 30 days
7 from the date of such notification, the corporation whose
8 certificate has lapsed seeks a current certificate, it shall
9 thereafter apply to the Department for reinstatement of the
10 certificate and pay all fees due to the Department. The
11 Department may establish a fee for the processing of an
12 application for reinstatement of a certificate which allows the
13 Department to pay all costs and expenses incident to the
14 processing of this application. The Director may waive the fees
15 due under this Section in individual cases where he finds that
16 in the particular case such fees would be unreasonable or
17 unnecessarily burdensome.

18 (Source: P.A. 85-1209.)

19 (805 ILCS 10/13) (from Ch. 32, par. 415-13)

20 Sec. 13. The regulating authority which issued the
21 certificate of registration may suspend or revoke the
22 certificate or may otherwise discipline the certificate holder
23 ~~it~~ for any of the following reasons:

24 (a) The revocation or suspension of the license to practice
25 the profession of any officer, director, shareholder or

1 employee not promptly removed or discharged by the corporation;
2 (b) unethical professional conduct on the part of any officer,
3 director, shareholder or employee not promptly removed or
4 discharged by the corporation; (c) the death of the last
5 remaining shareholder; (d) upon finding that the holder of a
6 certificate has failed to comply with the provisions of this
7 Act or the regulations prescribed by the regulating authority
8 that issued it; or (e) the failure to file a return, or to pay
9 the tax, penalty or interest shown in a filed return, or to pay
10 any final assessment of tax, penalty or interest, as required
11 by any tax Act administered by the Illinois Department of
12 Revenue, until such time as the requirements of any such tax
13 Act are satisfied.

14 Before any certificate of registration is suspended or
15 revoked, the holder shall be given written notice of the
16 proposed action and the reasons therefor, and shall provide a
17 public hearing by the regulating authority, with the right to
18 produce testimony and other evidence concerning the charges
19 made. The notice shall also state the place and date of the
20 hearing which shall be at least 10 days after service of said
21 notice.

22 All orders of regulating authorities denying an
23 application for a certificate of registration, ~~or~~ suspending or
24 revoking a certificate of registration, or imposing a civil
25 penalty shall be subject to judicial review pursuant to the
26 provisions of the Administrative Review Law, as now or

1 hereafter amended, and the rules adopted pursuant thereto then
2 in force.

3 The proceedings for judicial review shall be commenced in
4 the circuit court of the county in which the party applying for
5 review is located. If the party is not currently located in
6 Illinois, the venue shall be in Sangamon County. The regulating
7 authority shall not be required to certify any record to the
8 court or file any answer in court or otherwise appear in any
9 court in a judicial review proceeding, unless and until the
10 regulating authority has received from the plaintiff payment of
11 the costs of furnishing and certifying the record, which costs
12 shall be determined by the regulating authority. Exhibits shall
13 be certified without cost. Failure on the part of the plaintiff
14 to file a receipt in court is grounds for dismissal of the
15 action.

16 (Source: P.A. 85-1222.)

17 (805 ILCS 10/13.5 new)

18 Sec. 13.5. Notice of violation. Whenever the regulating
19 authority has reason to believe a corporation has opened,
20 operated, or maintained an establishment for any of the
21 purposes for which a corporation may be organized under this
22 Act without a certificate of registration from the regulating
23 authority authorized by law to license individuals to engage in
24 the profession or related professions, the regulating
25 authority may issue a notice of violation to the corporation.

1 The notice of violation shall provide a period of 30 days from
2 the date of the notice to either file an answer to the
3 satisfaction of the regulating authority or submit an
4 application for registration in compliance with this Act,
5 including payment of the \$50 application fee and a late fee of
6 \$100 for each year that the corporation opened, operated, or
7 maintained an establishment for any of the purposes for which a
8 corporation may be organized under this Act without having been
9 issued a certificate of registration, with a maximum late fee
10 of \$500. If the corporation that is the subject of the notice
11 of violation fails to respond, fails to respond to the
12 satisfaction of the regulating authority, or fails to submit an
13 application for registration, the regulating authority may
14 institute disciplinary proceedings against the corporation and
15 may impose a civil penalty up to \$1,000 for violation of this
16 Act after affording the corporation a hearing in conformance
17 with the requirements of this Act.

18 (805 ILCS 10/15.5 new)

19 Sec. 15.5. Confidentiality. All information collected by
20 the regulating authority in the course of an examination or
21 investigation of a holder of a certificate of registration or
22 an applicant, including, but not limited to, any complaint
23 against a holder of a certificate of registration filed with
24 the regulating authority and information collected to
25 investigate any such complaint, shall be maintained for the

1 confidential use of the regulating authority and shall not be
2 disclosed. The regulating authority may not disclose the
3 information to anyone other than law enforcement officials,
4 other regulatory agencies that have an appropriate regulatory
5 interest as determined by the regulating authority, or a party
6 presenting a lawful subpoena to the regulating authority.
7 Information and documents disclosed to a federal, State,
8 county, or local law enforcement agency shall not be disclosed
9 by the agency for any purpose to any other agency or person. A
10 formal complaint filed against a holder of a certificate of
11 registration or an applicant shall be a public record, except
12 as otherwise prohibited by law.

13 Section 935. The Medical Corporation Act is amended by
14 changing Sections 2, 5, 5.1, 8, 10, 11, 12, 13, and 15 and by
15 adding Sections 13.5 and 16.5 as follows:

16 (805 ILCS 15/2) (from Ch. 32, par. 632)

17 Sec. 2. One or more persons licensed pursuant to the
18 Medical Practice Act of 1987, as heretofore or hereafter
19 amended, may form a corporation pursuant to the "Business
20 Corporation Act of 1983", as amended, to own, operate and
21 maintain an establishment for the study, diagnosis and
22 treatment of human ailments and injuries, whether physical or
23 mental, and to promote medical, surgical and scientific
24 research and knowledge; provided that medical or surgical

1 treatment, consultation or advice may be given by shareholders,
2 directors, officers, agents, and employees of the corporation
3 only if they are licensed pursuant to the Medical Practice Act
4 of 1987; and provided further, however, that nothing herein
5 shall prohibit an attorney licensed to practice law in Illinois
6 from signing and acting as initial incorporator on behalf of
7 such corporation.

8 (Source: P.A. 85-1209.)

9 (805 ILCS 15/5) (from Ch. 32, par. 635)

10 Sec. 5. No corporation shall open, operate or maintain an
11 establishment for any of the purposes set forth in Section 2 of
12 this Act without a certificate of registration from the
13 Department of Financial and Professional Regulation,
14 hereinafter called the Department. Application for such
15 registration shall be made to the Department in writing and
16 shall contain the name and primary mailing address of the
17 corporation, the name and address of the corporation's
18 registered agent, the address of the practice location
19 maintained by the corporation, each assumed name being used by
20 the corporation, and such other information as may be required
21 by the Department. All official correspondence from the
22 Department shall be mailed to the primary mailing address of
23 the corporation except that the corporation may elect to have
24 renewal and non-renewal notices sent to the registered agent of
25 the corporation. Upon receipt of such application, the

1 Department shall make an investigation of the corporation. If
2 the Department finds that the incorporators, officers,
3 directors and shareholders are all licensed pursuant to the
4 Medical Practice Act of 1987 and if no disciplinary action is
5 pending before the Department against any of them, and if it
6 appears that the corporation will be conducted in compliance
7 with law and the regulations of the Department, the Department
8 shall issue, upon payment of a registration fee of \$50, a
9 certificate of registration.

10 (Source: P.A. 85-1209.)

11 (805 ILCS 15/5.1)

12 Sec. 5.1. Deposit of fees and fines. Beginning July 1,
13 2003, all of the fees, civil penalties, and fines collected
14 under this Act shall be deposited into the General Professions
15 Dedicated Fund.

16 (Source: P.A. 93-32, eff. 7-1-03.)

17 (805 ILCS 15/8) (from Ch. 32, par. 638)

18 Sec. 8. In the event of a change of location of the
19 registered establishment, the corporation shall notify the
20 Department, in accordance with its regulations, and the
21 Department shall amend the certificate of registration so that
22 it shall apply to the new location.

23 (Source: Laws 1963, p. 3513.)

1 (805 ILCS 15/10) (from Ch. 32, par. 640)

2 Sec. 10. The Department may suspend or revoke any
3 certificate of registration or may otherwise discipline the
4 certificate holder for any of the following reasons: (a) the
5 revocation or suspension of the license to practice medicine of
6 any officer, director, shareholder or employee not promptly
7 removed or discharged by the corporation; (b) unethical
8 professional conduct on the part of any officer, director,
9 shareholder or employee not promptly removed or discharged by
10 the corporation; (c) the death of the last remaining
11 shareholder; or (d) upon finding that the holder of a
12 certificate has failed to comply with the provisions of this
13 Act or the regulations prescribed by the Department.

14 The Department may refuse to issue or renew or may suspend
15 the certificate of any corporation which fails to file a
16 return, or to pay the tax, penalty or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty or
18 interest, as required by any tax Act administered by the
19 Illinois Department of Revenue, until such time as the
20 requirements of any such tax Act are satisfied.

21 (Source: P.A. 85-1222.)

22 (805 ILCS 15/11) (from Ch. 32, par. 641)

23 Sec. 11. Before any certificate of registration is
24 suspended or revoked, the holder shall be given written notice
25 of the proposed action and the reasons therefor, and shall be

1 given a public hearing by the Department with the right to
2 produce testimony concerning the charges made. The notice shall
3 also state the place and date of the hearing which shall be at
4 least 10 ~~5~~ days after service of said notice.

5 (Source: Laws 1963, p. 3513.)

6 (805 ILCS 15/12) (from Ch. 32, par. 642)

7 Sec. 12. The provisions of the Administrative Review Law,
8 as heretofore or hereafter amended, and all rules adopted
9 pursuant thereto, shall apply to and govern all proceedings for
10 the judicial review of final administrative decisions of the
11 Department hereunder. The term "administrative decision" is
12 defined as in Section 3-101 of the Code of Civil Procedure.

13 The proceedings for judicial review shall be commenced in
14 the circuit court of the county in which the party applying for
15 review is located. If the party is not currently located in
16 Illinois, the venue shall be in Sangamon County. The Department
17 shall not be required to certify any record to the court or
18 file any answer in court or otherwise appear in any court in a
19 judicial review proceeding, unless and until the Department has
20 received from the plaintiff payment of the costs of furnishing
21 and certifying the record, which costs shall be determined by
22 the Department. Exhibits shall be certified without cost.
23 Failure on the part of the plaintiff to file a receipt in court
24 is grounds for dismissal of the action.

25 (Source: P.A. 82-783.)

1 (805 ILCS 15/13) (from Ch. 32, par. 643)

2 Sec. 13. (a) All of the officers, directors and
3 shareholders of a corporation subject to this Act shall at all
4 times be persons licensed pursuant to the Medical Practice Act
5 of 1987. No person who is not so licensed shall have any part
6 in the ownership, management, or control of such corporation,
7 nor may any proxy to vote any shares of such corporation be
8 given to a person who is not so licensed. Notwithstanding any
9 provisions to the contrary in the "Business Corporation Act of
10 1983", as now or hereafter amended, if all of the shares of a
11 corporation subject to this Act are owned by one shareholder,
12 the office of president and secretary may be held by the same
13 person.

14 (b) No corporation may issue any of its capital stock to
15 anyone other than an individual who is duly licensed under the
16 Medical Practice Act of 1987. No shareholder shall enter into a
17 voting trust agreement or any other type of agreement vesting
18 another person with the authority to exercise the voting power
19 of any of his or her stock.

20 (c) A corporation may, for purposes of dissolution, have as
21 its shareholders, directors, officers, agents, and employees
22 individuals who are not licensed under the Medical Practice Act
23 of 1987, provided that the corporation does not render any
24 medical services nor hold itself out as capable of or available
25 to render medical services during the period of dissolution.

1 The Department shall not issue or renew any certificate of
2 authority to a corporation during the period of dissolution. A
3 copy of the certificate of dissolution, as issued by the
4 Secretary of State, shall be delivered to the Department within
5 30 days after its receipt by the incorporators.

6 (Source: P.A. 85-1209.)

7 (805 ILCS 15/13.5 new)

8 Sec. 13.5. Notice of violation. Whenever the Department has
9 reason to believe a corporation has opened, operated, or
10 maintained an establishment for any of the purposes for which a
11 corporation may be organized under this Act without a
12 certificate of registration from the Department, the
13 Department may issue a notice of violation to the corporation.
14 The notice of violation shall provide a period of 30 days from
15 the date of the notice to either file an answer to the
16 satisfaction of the Department or submit an application for
17 registration in compliance with this Act, including payment of
18 the \$50 application fee and a late fee of \$100 for each year
19 that the corporation opened, operated, or maintained an
20 establishment for any of the purposes for which a corporation
21 may be organized under this Act without having been issued a
22 certification of registration, with a maximum late fee of \$500.
23 If the corporation that is the subject of the notice of
24 violation fails to respond, fails to respond to the
25 satisfaction of the Department, or fails to submit an

1 application for registration, the Department may institute
2 disciplinary proceedings against the corporation and may
3 impose a civil penalty up to \$1,000 for violation of this Act
4 after affording the corporation a hearing in conformance with
5 the requirements of this Act.

6 (805 ILCS 15/15) (from Ch. 32, par. 645)

7 Sec. 15. Each individual shareholder, director, officer,
8 agent, or employee licensed pursuant to the Medical Practice
9 Act of 1987 who is employed by a corporation subject to this
10 Act shall remain subject to ~~reprimand or~~ discipline for his
11 conduct under the provisions of the Medical Practice Act of
12 1987.

13 (Source: P.A. 85-1209.)

14 (805 ILCS 15/16.5 new)

15 Sec. 16.5. Confidentiality. All information collected by
16 the Department in the course of an examination or investigation
17 of a holder of a certificate of registration or an applicant,
18 including, but not limited to, any complaint against a holder
19 of a certificate of registration filed with the Department and
20 information collected to investigate any such complaint, shall
21 be maintained for the confidential use of the Department and
22 shall not be disclosed. The Department may not disclose the
23 information to anyone other than law enforcement officials,
24 other regulatory agencies that have an appropriate regulatory

1 interest as determined by the Secretary, or a party presenting
2 a lawful subpoena to the Department. Information and documents
3 disclosed to a federal, State, county, or local law enforcement
4 agency shall not be disclosed by the agency for any purpose to
5 any other agency or person. A formal complaint filed against a
6 holder of a certificate of registration by the Department or
7 any order issued by the Department against a holder of a
8 certificate of registration or an applicant shall be a public
9 record, except as otherwise prohibited by law.

10 Section 940. The Limited Liability Company Act is amended
11 by changing Sections 1-10, 1-25, 1-28, 5-5, and 5-55 as
12 follows:

13 (805 ILCS 180/1-10)

14 Sec. 1-10. Limited liability company name.

15 (a) The name of each limited liability company or foreign
16 limited liability company organized, existing, or subject to
17 the provisions of this Act:

18 (1) shall contain the terms "limited liability
19 company", "L.L.C.", or "LLC", or, if organized as a
20 low-profit limited liability company under Section 1-26 of
21 this Act, shall contain the term "L3C";

22 (2) may not contain a word or phrase, or an
23 abbreviation or derivation thereof, the use of which is
24 prohibited or restricted by any other statute of this State

1 unless the restriction has been complied with;

2 (3) shall consist of letters of the English alphabet,
3 Arabic or Roman numerals, or symbols capable of being
4 readily reproduced by the Office of the Secretary of State;

5 (4) shall not contain any of the following terms:
6 "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.,"
7 "Co.," "Limited Partnership" or "L.P.";

8 (5) shall be the name under which the limited liability
9 company transacts business in this State unless the limited
10 liability company also elects to adopt an assumed name or
11 names as provided in this Act; provided, however, that the
12 limited liability company may use any divisional
13 designation or trade name without complying with the
14 requirements of this Act, provided the limited liability
15 company also clearly discloses its name;

16 (6) shall not contain any word or phrase that indicates
17 or implies that the limited liability company is authorized
18 or empowered to be in the business of a corporate fiduciary
19 unless otherwise permitted by the Secretary of Financial
20 and Professional Regulation ~~Commissioner of the Office of~~
21 ~~Banks and Real Estate~~ under Section 1-9 of the Corporate
22 Fiduciary Act. The word "trust", "trustee", or "fiduciary"
23 may be used by a limited liability company only if it has
24 first complied with Section 1-9 of the Corporate Fiduciary
25 Act; and

26 (7) shall contain the word "trust", if it is a limited

1 liability company organized for the purpose of accepting
2 and executing trusts. ~~and~~

3 ~~(8) shall not, as to any limited liability company~~
4 ~~organized or amending its company name on or after April 3,~~
5 ~~2009 (the effective date of Public Act 96-7), without the~~
6 ~~express written consent of the United States Olympic~~
7 ~~Committee, contain the words: (i) "Olympic"; (ii)~~
8 ~~"Olympiad"; (iii) "Paralympic"; (iv) "Paralympiad"; (v)~~
9 ~~"Citius Altius Fortius"; or (vi) "CHICOG".~~

10 (b) Nothing in this Section or Section 1-20 shall abrogate
11 or limit the common law or statutory law of unfair competition
12 or unfair trade practices, nor derogate from the common law or
13 principles of equity or the statutes of this State or of the
14 United States of America with respect to the right to acquire
15 and protect copyrights, trade names, trademarks, service
16 marks, service names, or any other right to the exclusive use
17 of names or symbols.

18 (c) (Blank).

19 (d) The name shall be distinguishable upon the records in
20 the Office of the Secretary of State from all of the following:

21 (1) Any limited liability company that has articles of
22 organization filed with the Secretary of State under
23 Section 5-5.

24 (2) Any foreign limited liability company admitted to
25 transact business in this State.

26 (3) Any name for which an exclusive right has been

1 reserved in the Office of the Secretary of State under
2 Section 1-15.

3 (4) Any assumed name that is registered with the
4 Secretary of State under Section 1-20.

5 (5) Any corporate name or assumed corporate name of a
6 domestic or foreign corporation subject to the provisions
7 of Section 4.05 of the Business Corporation Act of 1983 or
8 Section 104.05 of the General Not For Profit Corporation
9 Act of 1986.

10 (e) The provisions of subsection (d) of this Section shall
11 not apply if the organizer files with the Secretary of State a
12 certified copy of a final decree of a court of competent
13 jurisdiction establishing the prior right of the applicant to
14 the use of that name in this State.

15 (f) The Secretary of State shall determine whether a name
16 is "distinguishable" from another name for the purposes of this
17 Act. Without excluding other names that may not constitute
18 distinguishable names in this State, a name is not considered
19 distinguishable, for purposes of this Act, solely because it
20 contains one or more of the following:

21 (1) The word "limited", "liability" or "company" or an
22 abbreviation of one of those words.

23 (2) Articles, conjunctions, contractions,
24 abbreviations, or different tenses or number of the same
25 word.

26 (Source: P.A. 98-720, eff. 7-16-14.)

1 (805 ILCS 180/1-25)

2 Sec. 1-25. Nature of business.

3 (a) A limited liability company may be formed for any
4 lawful purpose or business except:

5 (1) (blank);

6 (2) insurance unless, for the purpose of carrying on
7 business as a member of a group including incorporated and
8 individual unincorporated underwriters, the Director of
9 Insurance finds that the group meets the requirements of
10 subsection (3) of Section 86 of the Illinois Insurance Code
11 and the limited liability company, if insolvent, is subject
12 to liquidation by the Director of Insurance under Article
13 XIII of the Illinois Insurance Code;

14 (3) the practice of dentistry unless all the members
15 and managers are licensed as dentists under the Illinois
16 Dental Practice Act; ~~or~~

17 (4) the practice of medicine unless all the managers,
18 if any, are licensed to practice medicine under the Medical
19 Practice Act of 1987 and each member is either:

20 (A) licensed to practice medicine under the
21 Medical Practice Act of 1987; or

22 (B) a registered medical corporation or
23 corporations organized pursuant to the Medical
24 Corporation Act; or

25 (C) a professional corporation organized pursuant

1 to the Professional Service Corporation Act of
2 physicians licensed to practice under the Medical
3 Practice Act of 1987; ~~or~~

4 (C-5) a hospital or hospital affiliate as defined
5 in Section 10.8 of the Hospital Licensing Act; or

6 (D) a limited liability company that satisfies the
7 requirements of subparagraph (A), (B), ~~or~~ (C), or
8 (C-5);

9 (5) the practice of real estate unless all the
10 managers, if any, or every member in a member-managed
11 company are licensed to practice as a managing broker or
12 broker pursuant to the Real Estate License Act of 2000;

13 (6) the practice of clinical psychology unless all the
14 managers and members are licensed to practice as a clinical
15 psychologist under the Clinical Psychologist Licensing
16 Act;

17 (7) the practice of social work unless all the managers
18 and members are licensed to practice as a clinical social
19 worker or social worker under the Clinical Social Work and
20 Social Work Practice Act;

21 (8) the practice of marriage and family therapy unless
22 all the managers and members are licensed to practice as a
23 marriage and family therapist under the Marriage and Family
24 Therapy Licensing Act;

25 (9) the practice of professional counseling unless all
26 the managers and members are licensed to practice as a

1 clinical professional counselor or a professional
2 counselor under the Professional Counselor and Clinical
3 Professional Counselor Licensing and Practice Act;

4 (10) the practice of sex offender evaluations unless
5 all the managers and members are licensed to practice as a
6 sex offender evaluator under the Sex Offender Evaluation
7 and Treatment Provider Act; or

8 (11) the practice of veterinary medicine unless all the
9 managers and members are licensed to practice as a
10 veterinarian under the Veterinary Medicine and Surgery
11 Practice Act of 2004.

12 (b) Notwithstanding any provision of this Section, any of
13 the following professional services may be combined and offered
14 within a single company provided that each professional service
15 is only offered by persons licensed to provide that
16 professional service and all managers and members are licensed
17 in at least one of the professional services offered by the
18 company:

19 (1) the practice of medicine by physicians licensed
20 under the Medical Practice Act of 1987, the practice of
21 podiatry by podiatrists licensed under the Podiatric
22 Medical Practice Act of 1987, the practice of dentistry by
23 dentists licensed under the Illinois Dental Practice Act,
24 and the practice of optometry by optometrists licensed
25 under the Illinois Optometric Practice Act of 1987; or

26 (2) the practice of clinical psychology by clinical

1 psychologists licensed under the Clinical Psychologist
2 Licensing Act, the practice of social work by clinical
3 social workers or social workers licensed under the
4 Clinical Social Work and Social Work Practice Act, the
5 practice of marriage and family counseling by marriage and
6 family therapists licensed under the Marriage and Family
7 Therapy Licensing Act, the practice of professional
8 counseling by professional counselors and clinical
9 professional counselors licensed under the Professional
10 Counselor and Clinical Professional Counselor Licensing
11 and Practice Act, and the practice of sex offender
12 evaluations by sex offender evaluators licensed under the
13 Sex Offender Evaluation and Treatment Provider Act.

14 (c) Professional limited liability companies may be
15 organized under this Act.

16 (Source: P.A. 95-331, eff. 8-21-07; 95-738, eff. 1-1-09.)

17 (805 ILCS 180/1-28)

18 Sec. 1-28. Certificate of Registration; Department of
19 Financial and Professional Regulation. This Section applies
20 only to a limited liability company that intends to provide, or
21 does provide, professional services that require the
22 individuals engaged in the profession to be licensed by the
23 Department of Financial and Professional Regulation. Under the
24 Professional Limited Liability Company Act, the definition of a
25 professional limited liability company is a limited liability

1 company that intends to provide, or does provide, professional
2 services that require the individual engaged in the
3 professional service to be licensed by the Department of
4 Financial and Professional Regulation. A limited liability
5 company covered by this Section shall not open, operate, or
6 maintain an establishment for any of the purposes for which a
7 limited liability company may be organized under this Act
8 without obtaining a certificate of registration from the
9 Department pursuant to the Professional Limited Liability
10 Company Act.

11 ~~Application for such registration shall be made in writing~~
12 ~~and shall contain the name and address of the limited liability~~
13 ~~company and such other information as may be required by the~~
14 ~~Department. Upon receipt of such application, the Department~~
15 ~~shall make an investigation of the limited liability company.~~
16 ~~If the Department finds that the organizers, managers, and~~
17 ~~members are each licensed pursuant to the laws of Illinois to~~
18 ~~engage in the particular profession or related professions~~
19 ~~involved (except that an initial organizer may be a licensed~~
20 ~~attorney) and if no disciplinary action is pending before the~~
21 ~~Department against any of them and if it appears that the~~
22 ~~limited liability company will be conducted in compliance with~~
23 ~~the law and the rules and regulations of the Department, the~~
24 ~~Department shall issue, upon payment of a registration fee of~~
25 ~~\$50, a certificate of registration.~~

26 ~~Upon written application of the holder, the Department~~

1 ~~shall renew the certificate if it finds that the limited~~
2 ~~liability company has complied with its regulations and the~~
3 ~~provisions of this Act and the applicable licensing Act. This~~
4 ~~fee for the renewal of a certificate of registration shall be~~
5 ~~calculated at the rate of \$40 per year. The certificate of~~
6 ~~registration shall be conspicuously posted upon the premises to~~
7 ~~which it is applicable, and the limited liability company shall~~
8 ~~have only those offices which are designated by street address~~
9 ~~in the articles of organization, or as changed by amendment of~~
10 ~~such articles. A certificate of registration shall not be~~
11 ~~assignable.~~

12 ~~All fees collected under this Section shall be deposited~~
13 ~~into the General Professions Dedicated Fund.~~

14 (Source: P.A. 96-679, eff. 8-25-09; 96-984, eff. 1-1-11;
15 96-1000, eff. 7-2-10.)

16 (805 ILCS 180/5-5)

17 Sec. 5-5. Articles of organization.

18 (a) The articles of organization shall set forth all of the
19 following:

20 (1) The name of the limited liability company and the
21 address of its principal place of business which may, but
22 need not be a place of business in this State.

23 (2) The purposes for which the limited liability
24 company is organized, which may be stated to be, or to
25 include, the transaction of any or all lawful businesses

1 for which limited liability companies may be organized
2 under this Act.

3 (3) The name of its registered agent and the address of
4 its registered office.

5 (4) If the limited liability company is to be managed
6 by a manager or managers, the names and business addresses
7 of the initial manager or managers.

8 (5) If management of the limited liability company is
9 to be vested in the members under Section 15-1, then the
10 names and addresses of the initial member or members.

11 (5.5) The duration of the limited liability company,
12 which shall be perpetual unless otherwise stated.

13 (6) (Blank).

14 (7) The name and address of each organizer.

15 (8) Any other provision, not inconsistent with law,
16 that the members elect to set out in the articles of
17 organization for the regulation of the internal affairs of
18 the limited liability company, including any provisions
19 that, under this Act, are required or permitted to be set
20 out in the operating agreement of the limited liability
21 company.

22 (b) A limited liability company is organized at the time
23 articles of organization are filed by the Secretary of State or
24 at any later time, not more than 60 days after the filing of
25 the articles of organization, specified in the articles of
26 organization.

1 (c) Articles of organization for the organization of a
2 limited liability company for the purpose of accepting and
3 executing trusts shall not be filed by the Secretary of State
4 until there is delivered to him or her a statement executed by
5 the Secretary of Financial and Professional Regulation
6 ~~Commissioner of the Office of Banks and Real Estate~~ that the
7 organizers of the limited liability company have made
8 arrangements with the Secretary of Financial and Professional
9 Regulation ~~Commissioner of the Office of Banks and Real Estate~~
10 to comply with the Corporate Fiduciary Act.

11 (d) Articles of organization for the organization of a
12 limited liability company as a bank or a savings bank must be
13 filed with the Department of Financial and Professional
14 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
15 bank or savings bank will be organized under federal law, with
16 the appropriate federal banking regulator.

17 (Source: P.A. 98-171, eff. 8-5-13.)

18 (805 ILCS 180/5-55)

19 Sec. 5-55. Filing in Office of Secretary of State.

20 (a) Whenever any provision of this Act requires a limited
21 liability company to file any document with the Office of the
22 Secretary of State, the requirement means that:

23 (1) the original document, executed as described in
24 Section 5-45, and, if required by this Act to be filed in
25 duplicate, one copy (which may be a signed carbon or

1 photocopy) shall be delivered to the Office of the
2 Secretary of State;

3 (2) all fees and charges authorized by law to be
4 collected by the Secretary of State in connection with the
5 filing of the document shall be tendered to the Secretary
6 of State; and

7 (3) unless the Secretary of State finds that the
8 document does not conform to law, he or she shall, when all
9 fees have been paid:

10 (A) endorse on the original and on the copy the
11 word "Filed" and the month, day, and year of the filing
12 thereof;

13 (B) file in his or her office the original of the
14 document; and

15 (C) return the copy to the person who filed it or
16 to that person's representative.

17 (b) If another Section of this Act specifically prescribes
18 a manner of filing or signing a specified document that differs
19 from the corresponding provisions of this Section, then the
20 provisions of the other Section shall govern.

21 (c) Whenever any provision of this Act requires a limited
22 liability company that is a bank or a savings bank to file any
23 document, that requirement means that the filing shall be made
24 exclusively with the Department of Financial and Professional
25 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
26 bank or savings bank is organized under federal law, with the

1 appropriate federal banking regulator at such times and in such
2 manner as required by the Department ~~Commissioner~~ or federal
3 regulator.

4 (Source: P.A. 92-33, eff. 7-1-01; 93-561, eff. 1-1-04.)

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.".